

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, ET UX  
FOR A SPECIAL EXCEPTION ON PROPERTY  
LOCATED ON THE NORTHEAST SIDE OF  
DEWITT ROAD, 251' N OF THE NORTH  
SIDE OF LISTER ROAD  
(PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal from an Order of the Deputy Zoning Commissioner denying the Petition for Special Exception for a community building. The case was heard this day in its entirety.

The property in question consists of some 9.06 acres and is zoned D.R. 5.5. The Petition for Special Exception envisions an American Legion Post, the associated parking to service the Post, a baseball field and a considerable amount of open space on the 9+ acres. Robert Ford, a member of the Post, testified as to what the Legion hoped to do if granted the special exception. He noted the size of the buildings, the projected capacity of persons, and testified to many charitable activities conducted by the Post. He described in detail the proposal and the buffer zones and open space to be retained if the special exception is granted. He also testified as to the uses to which the hall would be subjected.

John Davis, the designer of the proposed building, described said building and entered as Petitioner's Exhibit No. 3 the floor plan.

Robert Spellman, a Professional Engineer and land surveyor, testified he prepared the plats. He noted that at present the property is wooded and that sewer, water, roads, etc. were available. He further testified that all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) were complied with. He further testified to the large

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amount of open space provided. He noted the emergency entrance for the Fire Department, the parking arrangements, and the existing and proposed landscaping.

Rahib Famili, a Traffic Engineer for Baltimore County, testified that the proposal would create no traffic problems and that the intersection at Sulphur Spring Road and Denson Avenue is at present of A level service and if the special exception is granted would remain at A level service.

Henry Appell, a Hydrological Engineer, testified that his study addressed the stormwater plan and the ability of the site to handle the runoff.

Ollie Mumpower, a traffic expert, testified that he did traffic counts on the site and it was his opinion that the proposed community building would not create any traffic problems.

Elmer McConkey and Viola Fisher, two land owners in the vicinity, both testified in favor of the proposal. Both agreed that the proposed use was, in their estimation, far better than the number of homes that could be built on the 9+ acres. This concluded Petitioner's testimony.

Protestants presented Ronald Barnett, whose home is opposite the entrance to the site, and who opposes the special exception. His opposition was centered around the fact that, in his opinion, the area should remain residential and his fears that the traffic generated would create congestion in the area.

Jackie Allen, another nearby resident, opposes the community building and classified it as a "saloon" in the neighborhood.

David Mocko, another neighbor, opposed the Petition on the grounds that it was detrimental to the area because of the noise and traffic it would generate. Sue Mocko, another neighbor, testified she would not oppose residential development but opposes the community building for fear that it would lead to drinking drivers on her street.

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Jackie Schatz, John Harold, Lawrence Kidwell, Kathleen Claggett, and William and Agnes Semansky all testified in opposition to the granting of the special exception. One rebuttal witness, Ollie Mumpower, testified that he had done research on accidents in the area and traffic studies in the morning peak hours, and reaffirmed his earlier testimony that the proposal would create no traffic problems. This concluded direct testimony in this case.

From the testimony and evidence received, the Board will now apply this testimony and evidence to the requirements of Section 502.1. The Board will find that the proposal is in compliance with 502.1.a. The extensive buffering provided by the plan, the fact that two-thirds of the total area will be undisturbed, that the entire operation is shielded from the neighborhood all indicate no detriment to the health, safety or general welfare of the locality involved. Section 502.1.b was addressed by four different traffic experts, all of which testimony is part of the record and all of whom were unanimous in that the proposed special exception would create no traffic problems. This testimony was received from Stephen Weber, Bureau of Traffic Engineering; C. Richard Moore, Chief of the Bureau of Traffic Engineering; most recently, Rahib Famili, from the Bureau of Traffic Engineering; and Ollie Mumpower, Jr., an independent traffic expert. Section 502.1.c, d, e, f, and h are clearly being complied with. Since the special exception for the community building is an allowed use in the D.R. 5.5 zone and since it is in compliance with all the other requirements of Section 502.1, 502.1.g is therefore in compliance.

In consideration of all the testimony and evidence received, and in light of the fact that full compliance with 502.1 has been obtained, the Board is of the opinion that the special exception should be granted and will so order.

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ORDER

It is therefore this 10th day of January, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Special Exception as petitioned for be and the same is GRANTED with the following restriction:

1. The plan presented to the County Review Group must be fully complied with.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

Lawrence E. Schmidt

John G. Disney  
John G. Disney

IN RE: PETITION FOR SPECIAL EXCEPTION  
NE/S Dewitt Road, 251' N of  
the W/S of Lister Road  
(Pasteur Road)  
13th Election District  
1st Councilmanic District  
Blanche S. Snow, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit a community building on the subject property, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Francis E. Snow, appeared, testified and were represented by Charles E. Kounts, Esquire. Also appearing and testifying on behalf of the Petition were: Robert Ford, III; James Hoswell of the Baltimore County Office of Planning; Robert Spellman of Spellman, Larson & Associates; Mrs. Viola Fischer; and Elmer McConkey. Numerous other individuals also appeared on behalf of the Petition to indicate their support of the request. The following persons appeared and testified as Protestants: Senator John C. Coolahan; Ron Barnett; Jackie Schatz; James Yeager; Susan Mocko; and Donald Banks. Numerous other residents in the area appeared in opposition but did not testify as they indicated their testimony would be cumulative of the other witnesses.

Testimony indicated that the subject property consists of 9.06 acres, plus or minus, is zoned D.R. 5.5, and is currently unimproved. Said property is located off of Old Sulphur Spring Road and abuts numerous streets, including, but not limited to, Lister Road, Dewitt Road, and Marsha Road which make up a part of the Sulphur Spring Heights community. Mr. Snow testified that he purchased the subject property in 1960 and that

in February 1988, he entered into an option agreement with the Dewey Lowman Post #109 of the American Legion Department of Maryland, Inc. (hereinafter referred to as the "Post") wherein the Post had a six month option to purchase the subject property beginning March 1, 1988. The exercising of said option is conditioned upon the instant Petition for Special Exception being granted.

Mr. Ford testified that he has been a member of Post #109 since 1953. He further indicated that he currently holds the position of State Adjunct, but in the past, has held every office, including Post Commander. Mr. Ford indicated that the Post has operated out of its present location on Leeds Avenue since 1949. He indicated that their current facilities consist of a small duplex frame building which holds approximately 150 people. He testified that they have outgrown the building and have been looking for property for some time to accommodate their current membership of approximately 1500. He indicated that there is insufficient parking available at their present location. Mr. Ford testified that the subject property would permit the construction of a 13,000 sq.ft. building with ample space to provide the 268 parking spaces which would be required for a building of this size. He indicated that the proposed facility would permit the combination of either two small halls, each holding 200 persons, or one hall which would accommodate up to 400 persons, and a lounge area capable of accommodating 125 persons. Additionally, the proposed facility would permit the installation of a baseball diamond at the base of the property. There would also be a barrier of trees and bushes a minimum of 70 feet wide surrounding the property on all residential boundaries. In his opinion, the residences should be adequately buffered. Further, Mr. Ford testified that the Post would install shielded lighting

and insure that there was no reflection into adjoining residences. He further testified that the Post would be more than willing to modify their plans to limit ingress and egress to Old Sulphur Spring Road and eliminate the service drive, as requested by the Office of Planning.

In response to questions raised by several Protestants, Mr. Ford indicated that the proposed facility would generally not be rented during the week but mainly on weekends with the heavy rental periods being the months of June through August. He further indicated that the Post's hours of operation would be from 11:00 AM to 12:00 midnight during the week and 10:00 AM to 1:00 AM on weekends. He indicated that at the present location, the lunch crowd is limited to approximately 10 to 15 people and that of the 1500 members, he does not expect more than 200 to 300 of the members to be involved in using the facilities during any one month. In further response to the Protestants concerns, he indicated that the Post does not expect a great expansion of the membership.

James Hoswell, a senior planner with the Office of Planning, testified that his Office believes that the proposed facility is appropriate for the subject location provided the modifications as set forth in the comments submitted by the Director of Planning, dated June 15, 1988, are adapted and incorporated into the plans. He indicated that the Division of Current Planning believes the matter should be addressed by a full CRG hearing and as such, the Petitioners' request for a CRG waiver should be denied. He further indicated that their investigation of the proposed site with the Department of Traffic Engineering resulted in a finding that that Department has no concern with the proposed plans with respect to traffic congestion. In Mr. Hoswell's opinion, as a Planner, the requirements of Section 502.1 of the Baltimore County Zoning Regulations

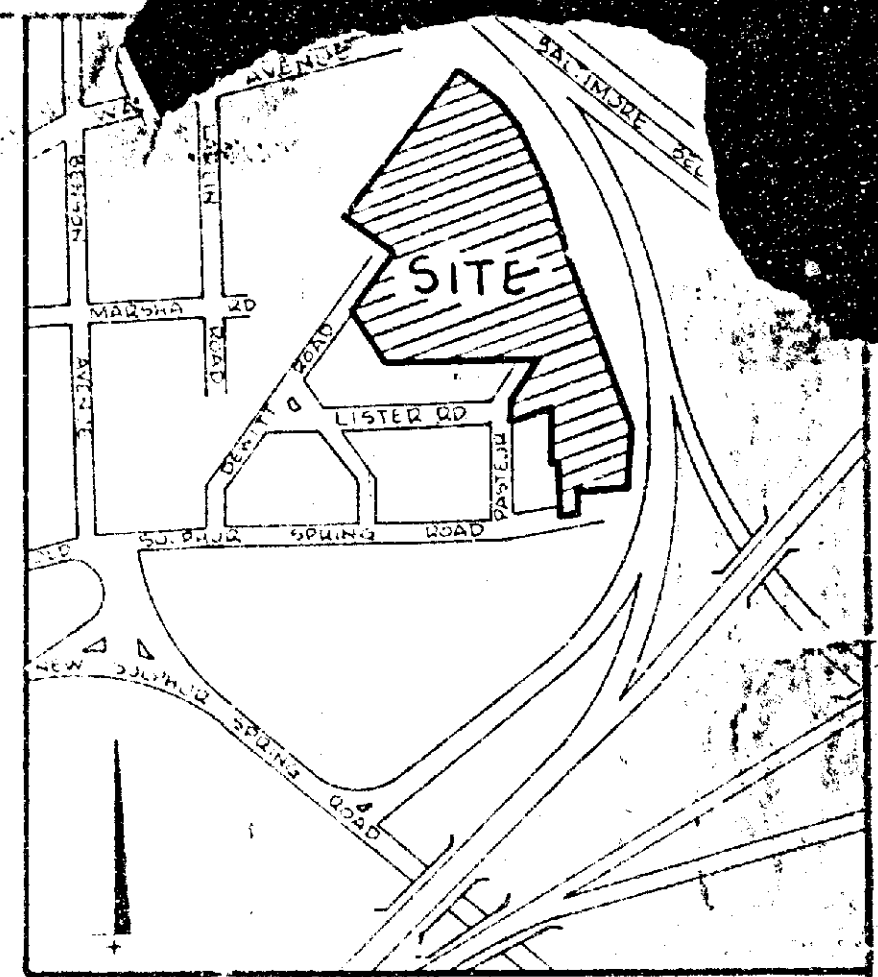
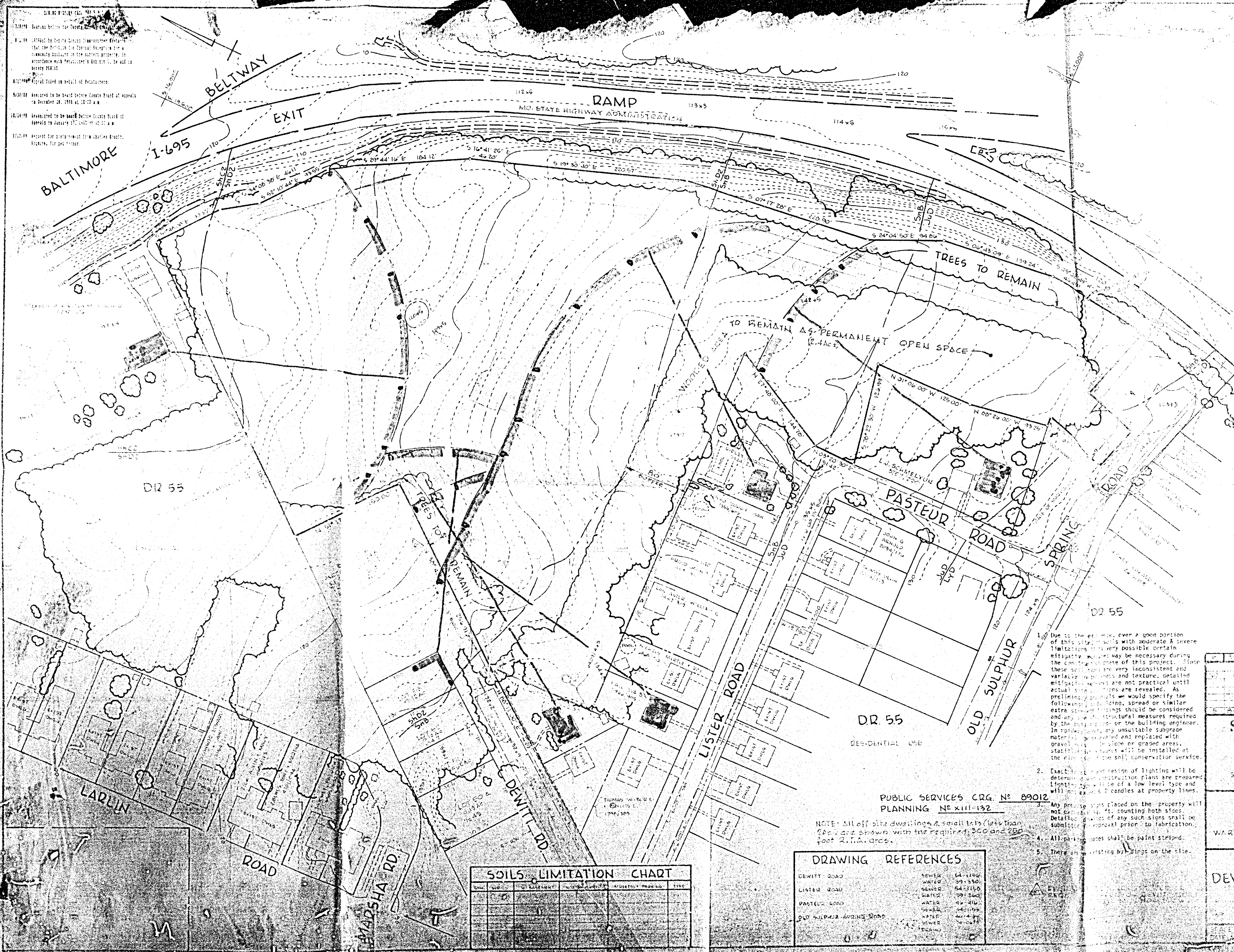
(B.C.Z.R.) would be met, provided the modifications as set forth in the Planning Director's memo are implemented.

Mr. Spellman identified the plats submitted by Petitioners as a fair and accurate representation of the subject property and the proposed project. He testified that he has been to the subject site and believes the concerns raised by the Protestants regarding storm drainage and the access roads' ability to handle the traffic generated by the proposed use of the property would best be addressed at the CRG meeting, and if deemed necessary, the roads would be widened at the time the property is developed.

Mrs. Viola Fischer testified that she lives at 1600 Walk Avenue, which is adjacent to the proposed baseball diamond. She indicated that after reviewing the plans, she has no objection to the use proposed. Mr. Elmer McConkey testified that he has purchased two building lots at the end of Dewitt Road on which he plans to build his residence. He indicated that he has no objection to the proposed plans. Mr. McConkey also testified that he is the broker for the Petitioners and a member of Post #109.

Senator Coolahan testified first on behalf of the Protestants. He indicated that he is a member of Post #109, and although not an active member, has frequented the facilities at its current location from time to time. He indicated that he is the legislative representative for the district in which the subject property is located. Senator Coolahan testified that although he is in favor of the Post finding a new home, he disagrees that the Post will "die" if a new home is not found immediately. He indicated that the Post has looked at other sites which, in his opinion, are more appropriate and better able to handle the traffic that would be generated. Senator Coolahan cautioned the appropriateness of the





LOCATION MAP  
SCALE: 1"=500'

DEED REFERENCES  
DEED 5387 FOLIO 534 10-00-014531  
LISE 3767 FOLIO 243 13-19-560190  
LISE 3767 FOLIO 244 13-19-560191  
NOTE:  
Said Parcel of 3767/243 conveys  
Reynolds Rd (not open) & Pasteur  
Rd (not open).  
Said Parcel of 3767/243 conveys  
Lister Rd (not open).

PET. NO 6  
Bd of Appeals  
88-529-X

- Due to the existence, over a good portion of this site, soils with moderate & severe limitations, it is very possible certain mitigation measures may be necessary during the construction phase of this project. Since these soils are very inconsistent and variable in texture, detailed mitigation measures are not practical until actual soil conditions are revealed. As preliminary plans are prepared, the following measures should be considered and any specific structural measures required by the engineer or the building engineer. In the event any unsuitable subgrade material is encountered and replaced with gravel or stone or graded areas, stabilization measures will be installed at the discretion of the soil conservation service.
- Exact location and position of lighting will be determined and construction plans are prepared. Lighting type will be of a low level type and will not exceed 2 candles at property lines.
- Any precise signs placed on the property will not exceed 14 ft. counting both sides. Detailed drawings of any such signs shall be submitted for approval prior to fabrication.
- All parking spaces shall be paint striped.
- There are no existing buildings on the site.

PUBLIC SERVICES CRG. No 89012  
PLANNING No XIII-132

NOTE: All off-site dwellings & small lots (less than 2.4 ac) are shown with the required 300 and 250 foot R.M.A. areas.

SOILS LIMITATION CHART					
SOIL	AREA	WATER	WATER	WATER	WATER
DR 55	1.00	1.00	1.00	1.00	1.00
DR 55	1.00	1.00	1.00	1.00	1.00
DR 55	1.00	1.00	1.00	1.00	1.00
DR 55	1.00	1.00	1.00	1.00	1.00
DR 55	1.00	1.00	1.00	1.00	1.00

DRAWING REFERENCES			
DEWITT ROAD	SEWER	14-1156	
DEWITT ROAD	WATER	39-330	
LISTER ROAD	SEWER	54-1150	
LISTER ROAD	WATER	39-330	
PASTEUR ROAD	SEWER	46-1150	
PASTEUR ROAD	WATER	39-330	
OLD SULPHUR SPRING ROAD	SEWER	46-1150	
OLD SULPHUR SPRING ROAD	WATER	39-330	

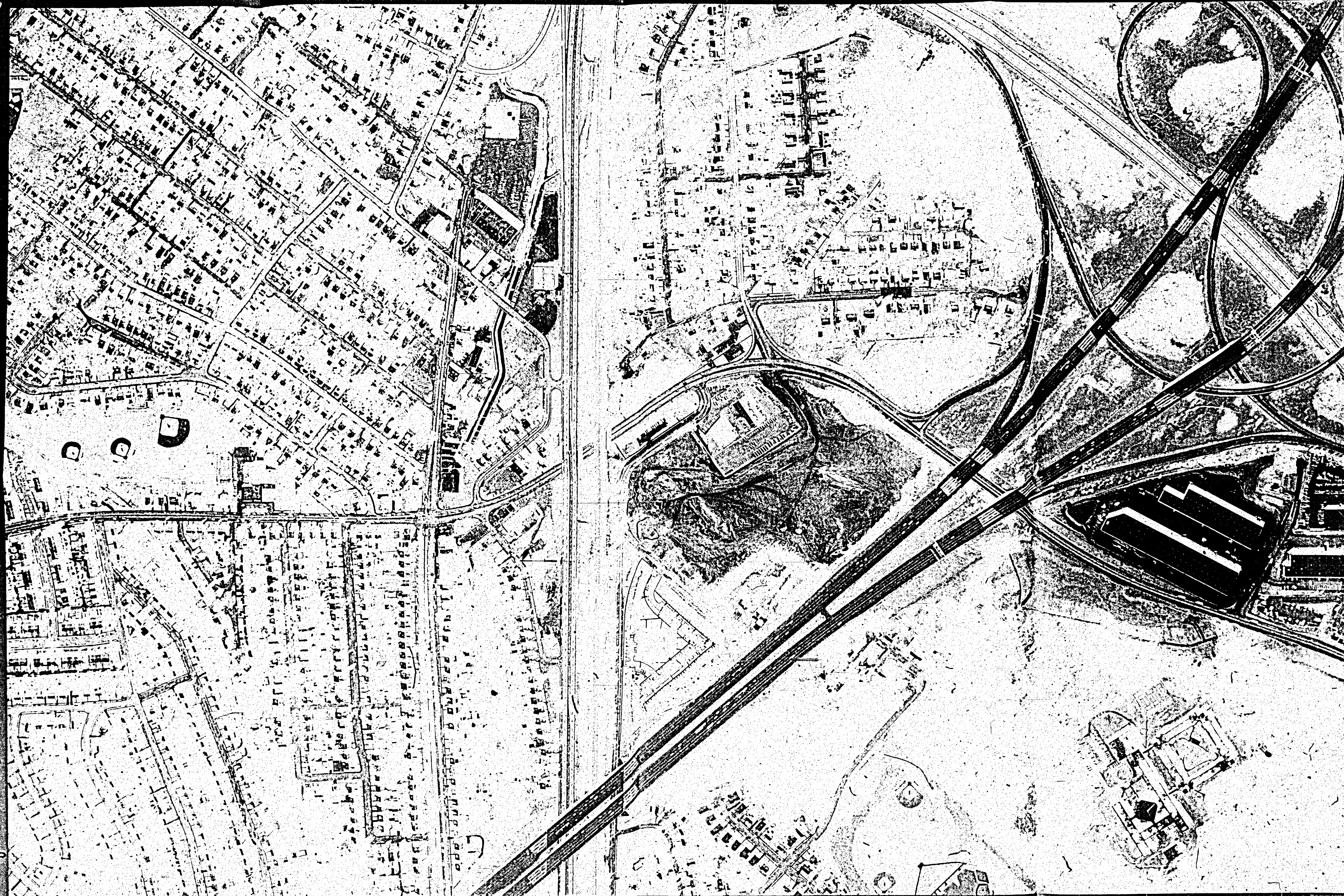
NO.	REVISION	DESCRIPTION
1	AS SHOWN	AS SHOWN

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE 823-3535

**OWNER/DEVELOPER**  
DEWEY LOWMAN POST #109 OF  
AMERICAN LEGION DEPARTMENT  
OF MARYLAND, INC.  
WAR MEMORIAL BLDG., BALTIMORE, MD. 21202  
PHONE (301) 792-0338

**CRG PLAN**  
DEWEY LOWMAN POST #109  
PASTEUR ROAD





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHIC, INC.  
BARTONSDALE, VA 22011

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
HALETHORPE

SHEET  
S.W.  
5-D

*Plot #11*



ring to the proposed use as a "community building" operation as implied by the Post. In his opinion, the use proposed should be considered a commercial operation due to the rental volume of the halls. Further, he believes that the residential area of the proposed site cannot handle the volume of traffic which would be generated by the use proposed. He indicated that Old Sulphur Spring Road, a two-lane street which dead ends into a quiet residential area, cannot possibly handle the traffic he feels will be generated by the proposed operation.

Mr. Barnett of 1619 Sulphur Spring Road testified that he has resided across from the proposed entrance of the subject property since 1969. Mr. Barnett introduced as Protestant's Exhibit 1 a report prepared by the community members of Sulphur Spring Heights which contained numerous written statements prepared by various residents addressing their concerns, numerous pictures of the surrounding area and a Petition of Opposition signed by numerous residents of the area, including Sulphur Spring Road, Lister Road, DeWitt Road, Benson Avenue, Arbutus Avenue, Larlin Road and Marsha Road. Further, Mr. Barnett indicated that his experience with the present storm drain system indicates the proposed development would worsen current water runoff problems.

Ms. Schatz testified that she was concerned about projected noise from the use of the proposed baseball diamond and the increased traffic which would be generated by the rental of the proposed facilities. She indicated that she lives three houses away from I-695 at 1615 Old Sulphur Spring Road, which is across the street from the subject property. She indicated that she has lived there for 30 years and in her opinion, the streets and surrounding neighborhood cannot handle the traffic which would be generated by the use proposed. James Yeager, of 1515 Marsha Road,

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testified that he strongly opposes the Petitioners' request as he does not feel the proposed use can be effectuated without causing tremendous traffic congestion in the roads. Mr. Banks testified that in his opinion to grant the special exception would be detrimental to the health, safety and general welfare of the locality involved by creating congestion in the roads. He and numerous other residents expressed concern as to the existing traffic problems at the intersection of New Sulphur Spring Road and Old Sulphur Spring Road. The Protestants argued that the community could not handle an increase in traffic, especially additional traffic exiting onto Sulphur Spring Road. Further, numerous Protestants expressed concern about emergency vehicles being able to respond to calls in the neighborhood due to the narrowness of the streets and the fact that there are already traffic backups without the added burden of the additional traffic which would be generated by the proposed use.

Ms. Mocko testified on behalf of the Halethorpe Improvement Association and expressed their concerns regarding inadequate ingress and egress to the proposed "community building" off of Old Sulphur Spring Road, which is not a major arterial street. The Association is also concerned about the consumption and sale of liquor on the premises. The Association believes that the granting of the special exception would be detrimental to the health, safety and general welfare of the locality involved and be inconsistent with the residential zoning classification of the subject property. The Association's experience in the past indicates that the storm water runoff problems in the area will be intensified if the proposed request is granted.

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Both parties were advised that a visual inspection of the subject property and surrounding residential area would be made by the Deputy Zoning Commissioner prior to a decision being rendered in this matter.

The Petitioners seek relief from Section 1801.1C.6, pursuant to Section 502.1 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. However, the request is subject to the guidelines and standards set forth in Section 502.1. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. In each case, the hearing officer must decide under the specific standards set forth in Section 502.1 whether the presumptive compatibility does, in fact, exist in that particular factual situation. See Rockville Fuel and Feed Co., Inc. vs Board of Appeals of the City of Gaithersburg, 257 Md., 183, 262 A2d 499 (1970).

The duty of the Deputy Zoning Commissioner and/or Zoning Commissioner is to judge whether the neighboring properties in the surrounding community would be adversely affected and whether the use in a particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. To support their case, the Petitioners rely heavily on the testimony of James Hoswell of the Office of Planning, who testified that in his opinion, as a Planner, the conditions of Section 502.1 were met by the proposed plans, provided

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the modifications as requested in the Director's memo dated June 15, 1988 were implemented. The Petitioners chose to proceed instead, by their own admission, to see whether the variance would be granted prior to spending additional money for a CRG waiver. However, the Petitioners must address those issues they and Mr. Spellman indicated would be resolved at the CRG review prior to the granting of a special exception, as clearly, they are conditions precedent to the granting of a special exception pursuant to Section 502.1 of the B.C.Z.R.

After reviewing all the testimony and evidence presented, and following a site inspection of the subject property, the Deputy Zoning Commissioner does not believe that the Petitioners have met their burden of proving that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interests. Testimony presented has raised serious question as to whether or not the proposed use can be effectuated without creating congestion in roads, streets, or alleys, therein; without interfering with water runoff; and/or without being inconsistent with the purpose of the property's residential zoning classification. Therefore, in the opinion of the Deputy Zoning Commissioner, the Petitioner has failed to meet its burden to satisfy the conditions of Section 502.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be denied.

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### PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-529-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Community Building (Dewey Lawman Post #108 of the American Legion Department of Maryland, Inc.) Sec. 1801.1C.6

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Attorney for Petitioner:

Charles E. Kountz, Esq.

(Type or Print Name)

Signature

2201 Hammonds Ferry Road

Baltimore, Maryland 21227

City and State

Attorney's Telephone No.: 292-9100

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day

1988, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 21st day of July, 1988, at 11:30 o'clock

A.M.

J. Robert Hines

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1/2HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: JH

DATE 3-31-88

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of August, 1988 that the Petition for Special Exception for a community building on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

AMN:bjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Hines  
Zoning Commissioner

August 2, 1988

Charles E. Kountz, Esquire  
2201 Hammonds Ferry Road  
Baltimore, Maryland 21227

Dennis F. Rasmussen  
County Executive

RE: PETITION FOR SPECIAL EXCEPTION  
NE/S Dewitt Road, 251' N of the N/S of Lister Road (Pasteur Road)  
13th Election District; 1st Councilmanic District  
Case No. 88-529-X

Dear Mr. Kountz:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special exception has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ

Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Enclosure

cc: Mr. Robert Ford, III  
Mr. Robert Spellman  
Mrs. Viola Fischer  
Mr. Elmer McConkey  
Mr. James Horwell  
The Honorable John C. Coolahan  
Mr. Ron Barnett  
Ms. Jackie Schatz  
Mr. James Yeager  
Ms. Susan Mocko  
Mr. Donald Banks

People's Counsel

File

SPELLMAN, LARSON & ASSOCIATES, INC.  
JOSEPH L. LARSON  
HENRY M. ARPEL  
ALFRED F. JAMMER, PLS.  
SUITE 107 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3333

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING, PASTEUR ROAD,  
13th DISTRICT, BALTIMORE COUNTY, MARYLAND

Page 1

Beginning for the same at a point on the Southeast side of Dewitt Road, 50 feet wide, said point being at the distance of 320 feet, more or less, measured Northeasterly along the Southeast side of Dewitt Road from the North side of Lister Road, 50 feet wide, and running thence and binding on the Southeast side of Dewitt Road North 38 Degrees 42 Minutes 20 Seconds East 256.91 feet to the end of Dewitt Road and running thence and binding on the end of Dewitt Road and continuing the same course North 51 Degrees 17 Minutes 40 Seconds West 150.00 feet and running thence North 38 Degrees 42 Minutes 20 Seconds East 400.66 feet to the access ramp from the Baltimore Beltway to New Sulonur Spring Road and running thence and binding on said access ramp South 51 Degrees 48 Minutes 08 Seconds East 90.35 feet South 34 Degrees 08 Minutes 38 Seconds East 46.11 feet South 52 Degrees 10 Minutes 44 Seconds East 93.53 feet South 29 Degrees 44 Minutes 16 Seconds East 184.12 feet South 16

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTING



**SPELLMAN, LARSON & ASSOCIATES, INC.**  
ROBERT E. SPELLMAN, P.L.S.  
JOSEPH L. LARSON  
HARRY M. SPEL  
ALFRED J. JARVIS, P.L.S.

SUITE 107 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING, PASTEUR ROAD  
13TH DISTRICT, BALTIMORE COUNTY, MARYLAND

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Degrees 41 Minutes 25 Seconds East 46.20 feet South 19  
Degrees 30 Minutes 40 Seconds East 230.57 feet South 7  
Degrees 17 Minutes 28 Seconds East 228.90 feet South 24  
Degrees 04 Minutes 50 Seconds East 94.85 feet South 6 Degrees  
43 Minutes 09 Seconds East 133.24 feet South 5 Degrees 02  
minutes 49 Seconds west 45.43 feet Southerly 3 feet, more or  
less, Southerly 75 feet, more or less, westerly 94 feet, more  
or less, and Southerly 70 feet, more or less, to a point in  
Old Sulonur Spring Road and running thence in Old Sulonur  
Spring Road westerly 55 feet, more or less, thence leaving  
the bed of Old Sulonur Spring Road and running Northerly 87  
feet, more or less, Southwesterly 12 feet, more or less,  
North 8 Degrees 26 Minutes 00 Seconds west 93.25 feet North 1  
Degree 6 Minutes 00 Seconds west 125.00 feet and South 78  
Degrees 22 Minutes 30 Seconds west 125.99 feet to a point on  
the East side of Pasteur Road 50 feet wide and running thence  
and binding on the East and Southeast side of Pasteur Road

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
ROBERT E. SPELLMAN, P.L.S.  
JOSEPH L. LARSON  
HARRY M. SPEL  
ALFRED J. JARVIS, P.L.S.

SUITE 107 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING, PASTEUR ROAD  
13TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Page 3

North 3 Degrees 20 Minutes 30 Seconds East 51.42 feet and  
North 27 Degrees 48 Minutes 00 Seconds East 144.78 feet to  
the end of Pasteur Road and running thence and binding along  
the end of Pasteur Road and continuing the same course North  
88 Degrees 11 Minutes 00 Seconds West 478.65 feet North 51  
Degrees 49 Minutes 00 Seconds East 125.00 feet and South 83  
Degrees 11 Minutes 00 Seconds East 4.29 feet to the place of  
beginning.

Containing 9.06 acres of land, more or less.

3/31/88

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

**88-529-X**  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
13th day of April, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Francis Snow, et ux Received by: James E. Dyer  
Petitioner's Attorney: Charles E. Kountz Chairman, Zoning Plans  
Advisory Committee

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13th Date of Posting: June 16, 1988  
Posted for: Special Exception  
Petitioner: Francis Snow, et ux  
Location of property: N.E. 1/4 of D. Witt Road, 2.51 N. of M.S.  
of Lister Road (Pasteur Road)  
Location of Sign: N.E. 1/4 of D. Witt Road and Pasteur Road  
in part of subject property  
Remarks:  
Posted by: J. Robert Haines Date of return: June 17, 1988  
Signature  
Number of Signs: 1

**"DUPLICATE"**  
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 16, 1988

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., appearing on  
June 16, 1988

THE JEFFERSONIAN,  
S. Zake Olson  
Publisher

33.75

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a special exception to the Zoning Ordinance of Baltimore County, as follows:  
Case Number: 88-529-X  
N.E. 1/4 of D. Witt Road, 2.51 N. of M.S. of Lister Road (Pasteur Road)  
13th Election District - 1st Councilmanic District  
Petitioner: Francis Snow, et ux  
Hearing Date: Friday, July 8, 1988 at 10:30 a.m.  
Special Exception Community Building (Dewey Lowman Post #103 of the American Legion Department of Maryland, Inc.)  
In the event this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
6213 June 16

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 59172

DATE: 8-15-88 ACCOUNT: 001-006-6150

AMOUNT: \$ 115.00

RECEIVED FROM: CHARLES E. KOUNTZ

FOR: APPEAL FILING - CASE # 88-529-X  
BLANCHE S. SNOW, et ux  
B 006\*\*\*\*\*11500: 8 216F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 50461

DATE: 3-31-88 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: Charles E. Kountz

FOR: Special Exception Filing Fee  
From #965  
B 123\*\*\*\*\*19000: 8 6316F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 52713

DATE: July 8, 1988 ACCOUNT: BOL 615000

AMOUNT: \$ 69.10

RECEIVED FROM: Blanche S. Snow

FOR: Petition # 88-529-X  
Francis Snow, et ux

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: July 22, 1988

No. Blanche S. Snow  
1807 Stonehurst Road  
Winter Park, Florida 32789

Re: Petition for Special Exception  
CASE NUMBER: 88-529-X  
N.E. 1/4 of D. Witt Road, 2.51 N. of M.S. of Lister Road  
(Pasteur Road)  
13th Election District - 1st Councilmanic  
Petitioner(s): Blanche S. Snow, et ux  
HEARING SCHEDULED: FRIDAY, July 8, 1988 at 10:30 a.m.

Dear Ms. Snow:

Please be advised that \$69.10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

**THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.**

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

JRH:gs  
cc: Charles E. Kountz, Esq.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: July 13, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception  
CASE NUMBER: 88-529-X  
N.E. 1/4 of D. Witt Road, 2.51 N. of M.S. of Lister Road  
(Pasteur Road)  
13th Election District - 1st Councilmanic  
Petitioner(s): Blanche S. Snow, et ux  
HEARING SCHEDULED: FRIDAY, July 8, 1988 at 10:30 a.m.

Special Exception Community Building (Dewey Lowman Post #103 of the American Legion Department of Maryland, Inc.)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
cc: Blanche S. Snow  
Charles E. Kountz, Esq.  
File

**Office of PATUXENT Publishing Company**  
10750 Little Patuxent Pkwy.  
Columbia, MD 21044

June 29, 1988

THIS IS TO CERTIFY, that the annexed advertisement of  
Notice Of Hearing  
was inserted in the following:  
☒ Catonsville Times ☐ Booster Weekly  
☒ Arbutus Times ☐ Owings Mills Flier  
☐ Reporter Weekly ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland  
once a week for one successive weeks before  
the 18th day of June, 1988, that is to  
say, the same was inserted in the issues of  
June 16, 1988.

PATUXENT PUBLISHING COMPANY  
By \_\_\_\_\_

RECEIVED  
JUL 1 1988  
ZONING OFFICE

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff  
Defendant



## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 21, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204  
000Charles E. Kountz, Esquire  
2201 Hammonds Ferry Road  
Baltimore, Maryland 21227RE: Item No. 365 - Case No. 88-529-X  
Petitioner: Francis Snow, et ux  
Petition for Special Exception

Dear Mr. Kountz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Spellman, Larson & Assoc., Inc.  
Suite 107, Jefferson Building  
Towson, Maryland 21204Maryland Department of Transportation  
State Highway AdministrationRichard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

April 13, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James DyerRe: Baltimore County  
Pastor Road  
Zoning Meeting 4/12/88  
Interstate 695  
S/W quadrant of  
Interstate 95 south  
Item # 365

Dear Mr. Haines:

After reviewing the submittal of Pastor Road, the State Highway Administration-Bureau of Engineering Access Permits has the following comment.

This plan has been forwarded to our Project Development Section concerning any impact to this site from our proposed Beltway improvements.

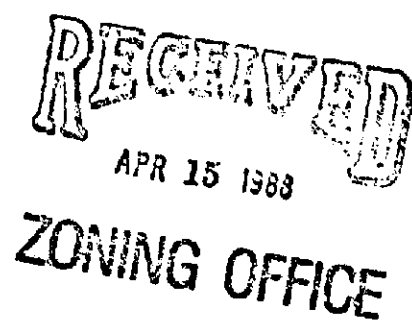
The results of this will be forthcoming as soon as they are received.

If you have any questions, contact Larry Brocato of this office (333-1350).

Very truly yours,

*Gregory J. Mills, Jr.*  
Gregory J. Mills, Jr.  
Acting Chief-Bureau of  
Engineering Access Permits

LB/es

cc: J. Ogle  
Spellman, Larson and Associates Inc.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
494-3554

May 10, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

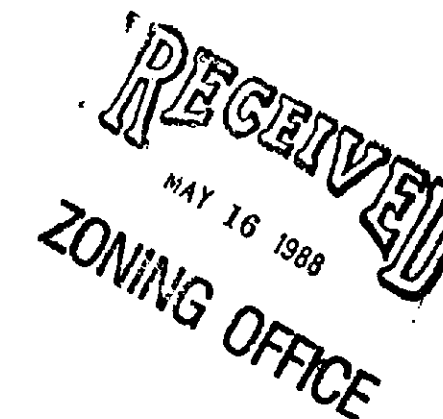
The Bureau of Traffic Engineering has no comments for items number

358, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours,

*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/pml-b

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT4/13/88  
DateZoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 365, Zoning Advisory Committee Meeting of April 12, 1988

Property Owner: Blanche S. Snow, et ux

Location: NE/S Dewitt Rd., 251' N of N/S of Lister Rd. District 13

Water Supply: metre Sewage Disposal: metre

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner shall contract the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_ conducted.
- ( ) The results are valid until \_\_\_\_\_.
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until \_\_\_\_\_.
- ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ( ) Others \_\_\_\_\_

*Karen M. Murray*  
KAREN M. MURRAY  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Fire Department  
Towson, Maryland 21204-2538  
494-4500Paul H. Reinke  
Chief

April 20, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204Dennis F. Rasmussen  
County Executive

Re: Property Owner: Blanche S. Snow, et ux

Location: NE/S Dewitt Rd., 251' N of NS of Lister Road

Item No.: 365 Zoning Agenda: Meeting of 4/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional hydrant required at entrance on Dewitt Road.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*  
Approved: \_\_\_\_\_  
Planning Group  
Special Inspection Division

(1)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
NE/S Dewitt Rd., 251' N of N/S : OF BALTIMORE COUNTY  
of Lister Rd. (Pastor Rd.),  
13th Election District  
BLANCHE S. SNOW, et al., : Case No. 88-529-X  
Petitioners

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to Charles E. Kountz, Esquire, 2201 Hammonds Ferry Rd., Baltimore, MD 21227, Attorney for Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

J. Robert Haines

TO: Zoning Commissioner

Date: June 15, 1988

FROM: P. David Fields, Director  
Office of Planning & ZoningSUBJECT: Zoning Petition No. 88-529-X  
Community Building; Dewey Loman Post #109 (American Legion)  
N/S of Old Sulphur Spring Rd.; S/W/S of I-695

This office believes that the proposed facility is appropriate at this location provided certain conditions are met. It is requested that if the Zoning Commissioner grants this petition, the order be conditioned to require compliance with the following:

1. With the exception of the property boundary along I-695 and the portion of the proposed ballfield that is located closer than 40 feet to the property line, a 40-foot wide buffer area must be retained and must be undisturbed by any grading, construction, etc.
2. Within the 40-foot wide buffer area, additional landscaping will be required as needed.
3. Direct access for the facility must be provided to Old Sulphur Spring Road. If an additional access for emergency purposes is needed, it must be restricted for emergency use only.

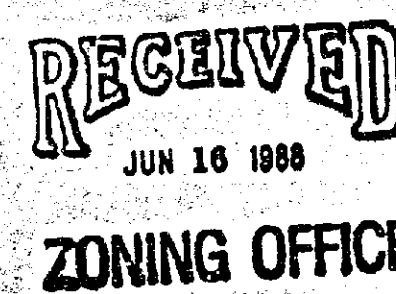
In a meeting on June 14, 1988, the petitioner's representatives agreed to the imposition of these 3 conditions.

This office has an additional concern; i.e., the location of the service drive along the south side of the proposed building. It has been our experience that it is impractical to permit construction abutting a proposed buffer area and maintain the buffer in an undisturbed state. Finally, if any outdoor lighting is to be installed, its type and placement must be such as to light this facility and not the adjacent properties.

*P. David Fields*  
P. David Fields, Director  
Office of Planning & Zoning

PDF: IF

cc: Shirley Hess

cc: Charles E. Kountz, Esq.  
6/15/88

IN THE MATTER OF \* BEFORE THE  
THE PETITION FOR SPECIAL \* ZONING COMMISSIONER  
EXCEPTION \* OF  
NE/S Dewitt Rd., 251' N of N/S \* OF  
of Lister Rd. (Pastor Rd.), \* BALTIMORE COUNTY  
13th Election District

BLANCHE S. SNOW, et al \* Case No.: 88-529-X  
Petitioners

## SUBPOENA

Please issue a Subpoena to the following individual to appear at the hearing in reference to the above-entitled case in Room 106 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland, 21204, on July 8, 1988 at 10:30 A.M. to testify on behalf of the Petitioners:

James C. Howell, Planner  
Baltimore County  
Office of Planning & Zoning  
County Courts Building, Suite 406  
Towson, Maryland 21204

*Charles E. Kountz*  
CHARLES E. KOUNTZ  
2201 Hammonds Ferry Road  
Baltimore, Maryland 21222-1297  
242-0100  
Attorney for Petitioners

MR. SHERIFF/PRIVATE PROCESS SERVER:

Please process in accordance with Zoning Commission's Rule XIV(c).

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore  
County

LAW OFFICE OF  
CHARLES E. KOUNTZ  
2201 HAMMONDS FERRY RD.  
BALTIMORE, MD 21222-1297



IN RE: PETITION FOR SPECIAL EXCEPTION  
NE/S Dewitt Road, 251' N of the N/S of Lister Road (Pasteur Road)  
13th Election District  
1st Councilmanic District  
Blanche S. Snow, et ux  
Petitioners

NOTICE OF APPEAL

MR. COMMISSIONER:

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of August 2, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

CHARLES E. KOUNTZ  
2201 Hammonds Ferry Road  
Baltimore, Maryland 21227-1797  
242-0100  
Attorney for Petitioners

I HEREBY CERTIFY that on this 9th day of August, 1988, a copy of the foregoing Notice of Appeal was mailed, postage prepaid, to Phyllis Cole Friedman, People's Counsel for Baltimore County, and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Charles E. Kountz

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

September 14, 1988

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Exception  
NE/S Dewitt Road, 251' N of the N/S of Lister Road  
(Pasteur Road)  
13th Election District, 1st Councilmanic District  
BLANCHE S. SNOW, ET UX - Petitioners  
Case No. 88-529-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 11, 1988 by Charles E. Kountz, Attorney on behalf of Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. Charles E. Kountz, Attorney for Petitioner  
Mr. Robert Ford, III  
Mr. Robert Spellman  
Mrs. Viola Fischer  
Mr. Elmer McConkey  
The Honorable John C. Coolahan  
Mr. Ronald Barnett (On behalf of numerous other residents)  
People's Counsel of Baltimore County  
File



Dennis F. Rasmussen  
County Executive

APPEAL

Petition for Special Exception  
NE/S Dewitt Road, 251' N of the N/S of Lister Road  
(Pasteur Road)  
13th Election District - 1st Councilmanic District  
BLANCHE S. SNOW, ET UX - Petitioners  
Case No. 88-529-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat for Special Exception "Pasteur Road"

2. Copy of Agreement of purchase of property

3. Copy of letter to Spellman Re: No impact to the development.

4. Letter to Dewey Loman Post #109 Re: CRG Denied

5. Plat showing existing conditions of Old Sulphur Spring Road

6A. - 6E. Letters of acceptance of project

Protestants Exhibits: 1. Package from community opposing project

2. Copy of letter of opposition from J. & A. Kuhn

3. Copy of letter of opposition from J. & F. Lawson

4. Copy of letter of opposition from the Halethorpe Improvement Association

5. Copy of letter of opposition from R. Barnett

Deputy Zoning Commissioner's Order dated August 2, 1988

Notice of Appeal received August 11, 1988 from Charles E. Kountz, Attorney on behalf of Petitioner.

Appeal Checklist  
Case No. 88-529-X  
Page 2

cc: Mr. Charles E. Kountz, Attorney for Petitioner  
Mr. Robert Ford, III  
Mr. Robert Spellman  
Mrs. Viola Fischer  
Mr. Elmer McConkey  
The Honorable John C. Coolahan  
Mr. Ronald Barnett (On behalf of numerous other residents)  
People's Counsel of Baltimore County

Request Notification: P. David Fields, Director of Planning & Zoning  
James Hoswell, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk

IN THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

BLANCHE S. SNOW, ET UX  
Petitioners  
Case No. 88-529-X

ENTRY OF APPEARANCE

To the Docket Clerk:

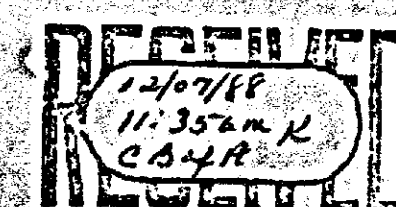
Please enter the appearance of the undersigned as counsel for the following Protestants:

1. Halethorpe Improvement Association
2. Mr. and Mrs. David Mocko
3. William Szymanski
4. Jackie Schatz
5. Ronald Barnett

Robert B. Greenwalt, Esq.  
Suite A  
813 Hilden Choice Lane  
Catonsville, MD 21228  
247-2224

I hereby certify that I served a copy of the foregoing Entry of Appearance on Charles E. Kountz, Esq., 2201 Hammonds Ferry Road, Baltimore, MD 21227, this 5th day of December, 1988.

Robert B. Greenwalt



BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 8/24/89  
(Continued from 4/6/89)  
PRE-CRG DATE: 8/14/89

FROM: ZONING OFFICE

PROJECT NAME: Dewey Loman Post #109

PLAN: 3/14/89, 7/6/89

LOCATION: N/S Old Sulphur Spring Road,  
North end Pasteur and Dewitt Roads,  
East of Benson Avenue

REV.: REV.:

DISTRICT: 13c1

REVISED PLAN KEY:  
(X) COMPLIANCE WITH COMMENT CHECKED  
(O) NON-COMPLIANCE IS CIRCLED  
(SA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)  
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

1. On 3/31/88, a special exception for a community building was filed for in the zoning office under Item #365 (1988). Include the request and the following zoning docket entries and history on the plan under "Zoning History Case #88-529-X":

7/8/88 Hearing before the Deputy Zoning Commissioner.

8/2/88 ORDERED by Deputy Zoning Commissioner Nastarowicz, that the Petition for Special Exception for a community building on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

8/11/88 Appeal filed on behalf of Petitioners.

9/30/88 Assigned to be heard before County Board of Appeals on December 28, 1988 at 10:00 a.m.

10/24/88 Reassigned to be heard before County Board of Appeals on January 17, 1989 at 10:00 a.m.

1/10/89 Request for postponement from Charles Kountz, Esquire, for petitioner.

In the original petition, special hearing language should have been included on the petition pursuant to Section 1801.1.B.1.C.10 to determine that all R.T.A. requirements are met to the extent possible. A better site plan addressing the R.T.A. use requirements and clearly indicating the proposed relaxation in the requirements that is being sought, could be crucial to the case before the Board and should be included on the C.R.G. plan. (See Comment #1 on 4/6/89.)

COUNTY REVIEW COMMENTS  
PROJECT NAME: Dewey Loman Post #109  
CRG DATE: 8/24/89  
PAGE 2

2. R.T.A. -- Include the acreage and 250 ft. R.T.A. arcs from all vacant lots of record less than 2 acres within 250 ft. or the property. Note on the plan "All off-site dwellings and small lots (less than 2 ac.) are shown with the required 300 and 250 ft. R.T.A. arcs". Darken the complete boundary of the provided R.T.A. buffer on the plan. (See Comment #2 made on 4/6/89.)

3. Dimension a typical parking space and aisle and note on the plan that all parking, maneuvering, aisles, and driveways are to be paved (indicate type). Indicate light locations, height and direction away from residential lots and streets. (See Comment #3 made on 4/6/89.)

4. Detail any proposed signs on the plan and plan print with a scale profile showing height, square footage, single or double-face and illumination. A 15 sq. ft. sign is permitted counting both sides per Section 413.1.e (S.C.Z.R.) and zoning policy S.I.-1.E.2. (See Comment #4 made on 4/6/89.)

5. Clarify the status and extent of Reynolds, Pasteur and Lister Roads as they extend into the property. (See Comment #5 made on 4/6/89.)

6. Final zoning approval will be contingent upon the resolution of these comments and the outcome of the required public hearing. (See Comment #7 made on 4/6/89.)

W. CARL RICHARDS, JR.  
Zoning Coordinator

WCR:scj

Baltimore County, Maryland  
Executive Office  
Courthouse Mezzanine  
Towson, Maryland 21204  
494-2450  
494-3728 (TTY)

November 24, 1989

Mrs. Lois Jennings  
5235 Benson Avenue  
Arbutus, Maryland 21227

RE: Petition for Special Exception  
NE/S Dewitt Road, 251' N of the N/S of Lister Road (Pasteur Road)  
13th Election District - 1st Councilmanic District  
Blanche S. Snow, et ux - Petitioners  
Case No. 88-529-X

Dear Mrs. Jennings:

Thank you for your letter dated November 6, 1989 concerning the above-captioned matter. The following comments are offered in response to the concerns raised in your letter.

A hearing was held on July 8, 1988 at which numerous area residents appeared in opposition to the special exception request to permit a community building on the subject property. The relief requested was subsequently denied by the Deputy Zoning Commissioner in her Order issued August 2, 1988. On August 11, 1988, an appeal of the decision rendered was filed by Petitioners' Counsel and a new hearing was scheduled before the Board of Appeals.

The County Executive and any member of his staff are prevented from interfering in the decision-making process of the Zoning Commissioner's office. The authority of the County Executive does not include the power to alter or change the decision of the Deputy Zoning Commissioner in a judicial hearing. Likewise, if a matter has been appealed to the County Board of Appeals, as in your case, it is inappropriate for the County Executive or any member of his staff to interfere in that litigation.

It is my understanding that the appeal hearing was held on Thursday, November 9, 1989 and that no decision has been rendered at this time by the Board. By copy of this letter, the Board of Appeals is being asked to forward a copy of their decision to you as soon as it becomes available for publication. In the meantime, should you have any further questions on the subject, you may contact the Board of Appeals at 88-529-X.

Thank you for bringing your concerns to our attention.

Very truly yours,

DENNIS F. RASMUSSEN  
County Executive  
for Baltimore County

cc: Councilman Ronald Hickernell  
Board of Appeals

Letter prepared by: Ann M. Nastarowicz  
Deputy Zoning Commissioner





County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

February 6, 1990

Charles E. Kountz, Esquire  
2201 Hammonds Ferry Road  
Baltimore, Maryland 21227

Re: Case No. 88-529-X (Blanche S. Snow, et ux)

Dear Mr. Kountz:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

Encl.

cc: Mr. and Mrs. Francis Snow  
Mrs. Viola Fischer  
Mr. Elmer McConkey  
Mr. John Griffith  
People's Counsel for Baltimore County  
The Honorable John C. Coolahan  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
M. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney  
Mr. Robert Spellman

RECEIVED  
FEB 7 1990  
ZONING OFFICE

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, et ux  
FOR A SPECIAL EXCEPTION  
ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD  
251' NORTH OF THE NORTH SIDE  
OF LISTER ROAD (PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

PETITION FOR APPEAL

Appellants, Protestants below, appeal the decision of the County Board of Appeals to grant a special exception to applicants below, and for reasons, state:

1. The order of the County Board of Appeals was a decision in an appeal from the decision of the Deputy Zoning Commissioner denying the special exception.

2. Appellants assert that the County Board of Appeals erred in finding that the use proposed by applicants was a community building, and therefore permitted in a residential zone.

WHEREFORE, Appellants seek an order from the Circuit Court reversing the decision of the County Board of Appeals, finding that the proposed use is not a community building pursuant to the Baltimore County Zoning Regulations and denying the special exception.

*Robert B. Greenwalt*  
Robert B. Greenwalt  
Suite A  
813 Maiden Choice Lane  
Baltimore, MD 21228  
247-2224  
Counsel for Appellants

I HEREBY CERTIFY that a copy of the foregoing Petition was mailed to the County Board of Appeals, Room 315 County Office Building, Towson, MD 21204, this 2nd day of February, 1990.

*Robert B. Greenwalt*  
Robert B. Greenwalt

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, et ux  
FOR A SPECIAL EXCEPTION  
ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD  
251' NORTH OF THE NORTH SIDE  
OF LISTER ROAD (PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

ORDER FOR APPEAL BY PROTESTANTS

Ms. Clerk:

Please enter an appeal on behalf of Ronald Barnett, Jackie Allen, David Mocko, Sue Mocko, Jackie Schatz, William Szymanski, Agnes Szymanski, John Arnold, Lawrence Kidwell and Kathleen Clagett Protestants in the captioned matter, from the Order of the Board of Appeals of Baltimore County, passed in the above matter on January 10, 1990.

*Robert B. Greenwalt*  
Robert B. Greenwalt  
Suite A  
813 Maiden Choice Lane  
Baltimore, MD 21228  
247-2224  
Counsel for Protestants/Appellants

I HEREBY CERTIFY that a copy of this Order for Appeal was mailed to the County Board of Appeals, Room 315 County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204, this 2nd day of February, 1990.

*Robert B. Greenwalt*  
Robert B. Greenwalt

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, et ux  
FOR A SPECIAL EXCEPTION  
ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD  
251' NORTH OF THE NORTH SIDE  
OF LISTER ROAD (PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

MEMORANDUM

Appellants, by their attorney, hereby submit this Memorandum.

STATEMENT OF FACTS  
This proceeding came before the Zoning Commissioner as a request by the land owners, Blanche S. Snow and spouse, for a special exception to allow the erection of a community building in a residential zone. Such a use is permitted by special exception under E.C.Z.R. 1801.1C.6. The building will be used by members and invited guests of American Legion Post 109. The site will include athletic fields, parking area and a building housing a bar/lounge area. A hall for special occasions will be available for rent. The application was denied by the Deputy Zoning Commissioner for failure to comply with Section 502.1 of the E.C.Z.R. The matter came before the County Board of Appeals on appeal by the Petitioners. After a hearing and presentation of evidence, the Board of Appeals decided to grant the special exception. Protestants appeal from that decision.

15-MAY 10 1990  
57-1047 10 1990  
57-1047 10 1990

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, et ux  
FOR A SPECIAL EXCEPTION  
ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD  
251' NORTH OF THE NORTH SIDE  
OF LISTER ROAD (PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

NOTICE OF APPEAL

Appellants, designated as Protestants below, hereby file this Notice of Appeal from the decision of Judge Alfred L. Brennan affirming the grant of a special exception by the County Board of Appeals on July 30, 1990.

*Robert B. Greenwalt*  
Robert B. Greenwalt  
Suite 105  
4600 Wilkens Avenue  
Baltimore, MD 21229  
536-4370

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice was mailed to The County Board of Appeals, Rm. 315 County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204 and Charles E. Kountz, Esq., 2201 Hammonds Ferry Rd., Baltimore, MD 21227, this 2nd day of August, 1990.

*Robert B. Greenwalt*  
Robert B. Greenwalt

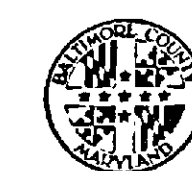
15-MAY 62 3005  
COUNTY BOARD OF APPEALS  
TOWSON

BLANCHE S. SNOW, ET UX  
NE/s Dewitt Rd., 251' N of the N/s Lister Rd.  
(Pasteur Rd.)  
SE -community bldg. (Dewey Lowman Post #109 of the American Legion Dept. of Maryland, Inc.)

88-529-X

13th Election District  
1st Councilmanic District

Petition for Special Exception filed for a community building (Dewey Lowman Post #109 of the American Legion Dept. of Maryland, Inc.)  
August 2, 1988 Order of the D.Z.C. DENYING Petition.  
August 11 Notice of appeal received from Charles E. Kountz, Esq. on behalf of Petitioners.  
November 9, 1989 Hearing before the Board (HSD).  
January 10, 1990 Opinion and Order of the Board GRANTING Petition with restrictions. (Hackett, Schmidt & Disney)  
February 5, 1990 Order for Appeal filed in CCT, BCO by Robert B. Greenwalt, Esquire on behalf of Protestants; Petition to accompany appeal also filed.  
February 6, 1990 Certificate of Notice sent to interested parties.  
March 7, 1990 Transcript of testimony filed; Record of Proceedings filed.  
July 30 Order of the CCT, BCO AFFIRMING C.B. of A.; GRANTING SE (Alfred L. Brennan, Sr.)  
August 28 Order for Appeal to C. of S. A. filed in CCT, BCO by Robert B. Greenwalt, Esquire on behalf of Protestants.  
September 12, 1990 Order of the Court of Special Appeals AFFIRMING CCT, BCO.



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

February 6, 1990

Robert B. Greenwalt, Esquire  
Suite A  
813 Maiden Choice Lane  
Baltimore, Maryland 21228

Re: Case No. 88-529-X (Blanche S. Snow, et ux)

Dear Mr. Greenwalt:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

Encl.  
cc: Mr. Ronald Barnett, et al

IN THE MATTER OF THE APPLICATION OF  
BLANCHE S. SNOW, ET UX FOR A SPECIAL  
EXCEPTION ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD, 251' N  
OF THE NORTH SIDE OF LISTER ROAD  
(PASTEUR ROAD)  
13TH ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT

ZONING FILE #88-529-X

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Lawrence E. Schmidt, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Robert B. Greenwalt, Esquire, Suite A, 813 Maiden Choice Lane, Baltimore, MD 21228, Counsel for Protestants; Mr. Ronald Barnett, et al, 1619 Sulphur Spring Road, Baltimore, MD 21227, Protestants; Charles E. Kountz, Esquire, 2201 Hammonds Ferry Road, Baltimore, MD 21227, Counsel for Mr. and Mrs. Snow; Mr. and Mrs. Francis Snow, 1807 Stonehurst Road, Winter Park, FL 32789; Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Bldg., Towson, MD 21204; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Bldg., Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul, Legal Secretary  
County Board of Appeals of Baltimore County  
County Office Bldg., Room 315  
Towson, MD 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert B. Greenwalt, Esq., Suite A, 813 Maiden Choice Lane, Baltimore, MD 21228, Counsel for Protestants; Mr. Ronald Barnett, et al, 1619, Sulphur Spring Road, Baltimore, MD 21227, Protestants; Charles E. Kountz, Esquire,



9/12/91 - Court of Special Appeals AFFIRMED Circuit Court which had AFFIRMED Board of Appeals 88-529-X (Blanche S. Snow, et ux)

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND  
No. 1753  
September Term, 1990

BLANCHE S. SNOW, ET UX,  
v.

BALTIMORE COUNTY, MARYLAND

Wilner, C.J.  
Alpert,  
Harrell,

JJ.

PER CURIAM

Filed: September 12, 1991

RECEIVED  
COUNTY BOARD OF APPEALS  
91 OCT -7 AM 11:32

Form CA

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bosley Avenue  
P.O. Box 6754  
Towson, Maryland 21285-6754  
March 23, 1990

Kathy Rushton - 887-2660  
Jury Assignments - Civil  
General Settlement Conferences

Tina Campbell - 887-2661  
Non-Jury Assignments - Civil  
Special Settlement Conferences

TO:  
Robert B. Greenwalt, Esq.  
County Board of Appeals  
Arnold Jablon, Esq.

RE: Non-Jury 90-CG-451 Ronald Barnett ETAL (In the Matter of Blanche S. Snow)

HEARING DATE: Thursday, June 28, 1990, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1/2 hour

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

88-529-X Blanche S. Snow, et ux  
7/30/90 - CCT AFFIRMED C.B. A. GRANTING SE (Alfred L. Brennan, Jr.)

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, et ux  
FOR A SPECIAL EXCEPTION  
ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD  
251' NORTH OF THE NORTH SIDE  
OF LISTER ROAD (PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

MEMORANDUM OPINION

This case comes before the Court on appeal from a decision of the County Board of Appeals. The Appellants seek an order reversing the Board's decision that the property located in a residential area of Baltimore County near the intersection of Dewitt and Lister Roads may be used by the Appellee as an American Legion Post.

Appellants argue on appeal that the Board erred in finding that the Post falls under a Special Exception to the County Code in that it is a community building. It is contended that it is not a community building and, therefore, does not fall under a Special Exception for the following reasons:

1. The site will only be used by members and invited guests of the American Legion.
  2. The hall to be erected on the site is available to the public for special purposes, but must be rented.
  3. The Post will be a business-like, liquor dispensing operation which is not proper in a residential zone. The Appellants also aver that the Post will cause additional traffic to pass through the community which will be a detriment to the residents.
- This Court cannot reverse the decision of the Board unless its decision has been clearly erroneous. Several agencies, including

FILED JUL 30 '90

True Copy Test  
SUZANNE MENSCH, Clerk  
Clerk of the Court  
Assistant Clerk

LAW OFFICES OF  
CHARLES E. KOUNTZ

2201 Hammonds Ferry Road - Baltimore, Maryland 21227-1797  
301 887-0100

August 9, 1988

Baltimore County Zoning  
Commissioner  
ATTN CHARLOTTE RADCLIFFE  
Room 113, County Office Bldg.  
Towson, Maryland 21204

Re: Petition for Special Exception  
RE/S Dewitt Road, 251' N of N/S of  
Lister Road (Pasteur Road)  
Petitioners: Blanche S. Snow, et ux  
Case No. 88-529-X

Dear Ms. Radcliffe:

Enclosed please find a Notice of Appeal in reference to the above-captioned case which I would ask that you accept for filing.

Also enclosed please find my check in the amount of \$115.00 to cover the costs involved.

Thanking you for your assistance, I am

Yours very truly,

Charles E. Kountz  
Charles E. Kountz

CEK/ah  
Encl.

RECEIVED  
AUG 11 1988  
ZONING OFFICE

LAW OFFICES OF  
CHARLES E. KOUNTZ

1367 Hollins Ferry Road - Suite 26 Baltimore, Maryland 21227-1797  
410 887-0100

August 7, 1992

VIA FAXSIMILE (583-5832)

Mr. Jack Nolan  
Nolan-Scott, Inc.  
403 Allegheny Avenue  
Towson, Md. 21204

RE: Dewey Lowman Post #109

Dear Mr. Nolan:

This will acknowledge receipt and thank you for your fax dated August 6, 1992 in reference to the above-captioned case.

Please be advised that in my opinion, we are still within the time restriction of Section 502-3 of the Baltimore County Zoning Regulations. The "Final Order" granting the special exception should begin to run from September 12, 1991, the date of the Judgment from the Court of Special Appeals. There was no appeal taken from this Final Order.

I am taking the liberty of enclosing a copy of the Baltimore County letter dated November 13, 1991, the Unreported Court Opinion and the Final Mandate.

However, this fact notwithstanding, I have advised Dewey Lowman all along to proceed with the project.

Should you have any questions, please feel free to contact me.

Yours very truly,

Charles E. Kountz

CEK/cs  
Encls.  
cc: Mr. John Blackwell

RECEIVED  
AUG 10 1992  
NOLAN-SCOTT, INC.

IN THE MATTER OF  
THE APPLICATION OF  
BLANCHE S. SNOW, et ux  
FOR A SPECIAL EXCEPTION  
ON PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEWITT ROAD  
251' NORTH OF THE NORTH SIDE  
OF LISTER ROAD (PASTEUR ROAD)  
13th ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

IN BEFORE THE  
CIRCUIT COURT BOARD COURT  
FOR OF APPEALS  
OF BALTIMORE COUNTY  
Case No. 90-CG-451

Mr. Clerk:

Please enter my appearance for the Petitioners in reference to the above-entitled case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of June, 1990, a copy of the foregoing document was mailed to Robert B. Greenwalt, Apt. A, 813 Maiden Choice Lane, Catonsville, Maryland 21228, Attorney for Protestants.

Charles E. Kountz

LAW OFFICES OF  
CHARLES E. KOUNTZ  
2201 HAMMONDS FERRY RD.  
BALTIMORE, MD 21227-1797

County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

November 15, 1991

Charles E. Kountz, Esquire  
2201 Hammonds Ferry Road  
Baltimore, Maryland 21227-1797

Re: Case No. 88-529-X (Blanche S. Snow, et ux)

Dear Mr. Kountz:

As no further appeals have been taken regarding the subject case, we have closed the file and returned same to the Office of the Zoning Commissioner along with any large exhibits entered before the Board. The Zoning Commissioner's Office maintains the permanent file. If you have an interest in said file or any exhibits contained therein, please contact the Zoning Commissioner's Office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in said file have been notified.

Sincerely,

LindaLee M. Kuszmaul  
LindaLee M. Kuszmaul  
Legal Secretary

cc: Blanche S. Snow and Francis Snow  
Robert B. Greenwalt, Esquire  
Mr. Robert Barnett, et al  
Mr. Robert E. Covahey, Chief - Bureau  
of Public Services



# ARBUTUS COMMUNITY ASSOCIATION INC.

TOWNHALL-1349 STEVENS AVENUE  
BALTIMORE, MARYLAND 21227  
FOUNDED 1928

June 10, 1988

Subject: NE 251' N of Lester Road (Pasture Road)  
Special Exception Community Building (Dewey Lowman Post  
#109 of the American Legion Dept. of Maryland Inc.)  
Case No. 88-529-X

Dear Sir:

The Arbutus Community Association approves the zoning change requested by Dewey Lowman Post #109 American Legion. The post home was originally located in Halethorpe, Md. in the early 1930's and moved to Arbutus for more space and parking later on. The present location in Arbutus is in a residential neighborhood and to our knowledge there never has been any problems. They now need a new post home to accommodate their growing membership with space to meet and home to accommodate their growing membership. The commander and his staff met with us and showed them plans and drawings of the new post home. They are doing everything possible to accommodate their neighbors that live in the area. They are looking forward to meeting with them and trying to work out a plan to satisfy them.

The American Legion is a very charitable organization. State-wide they give to a lot of worthwhile causes. They are forever visiting veterans that are hospitalized in V.A. hospitals and taking care of their needs. Post #109 members are made up with some men who have been awarded Purple Hearts, men who have been prisoners of war camps, not to mention numerous other medals and awards.

We of the Arbutus Community Association wish you would take these things into consideration when you make up your mind on the zoning request by the Dewey Lowman Post #109 of the American Legion.

Thank you

Ray Parks  
Zoning Chairman

RECEIVED  
JUN 15 1988

ZONING OFFICE

Just a Note from CLAUDIA EASTON

July 4 - 1988

Dear Mr. Robert Hanes  
Zoning Commissioner -  
Concerning my feelings about the special request zoning of property located up the street from me by Dewey Lowman Post #109.

We're totally against such zoning because  
1 - Traffic - I use S. Spring Rd. to go to work each day. It is almost impossible to make a left turn on Benson Ave. during rush hour. With the added Post traffic things will only worsen.

2 - Safety - How safe will our neighborhood be with a school up the street. Please allow us to see the right. Basically it is an already established neighborhood. We already have a bar on Benson Ave. "Elmer's" and the people on Benson Ave. have this problem all the time. This problem is the Post only exacerbates the problem.

I hope for a favorable decision on the neighborhood's behalf. Sincerely,  
Mrs. Claudia Easton  
1507 Sulphur Spring Rd.  
Baltimore, Md. 21227

FROM THE DESK OF J. ROBERT HAINES

TO: ☒ Ann Nastarowicz  
☐ James E. Dyer  
☐ W. Carl Richards  
☐ James H. Thompson

☐ See me immediately  
☐ Discuss with me  
☐ Prepare draft response  
☐ Please follow up  
☐ Collect \$20.00 fee  
☐ Please handle  
☐ Please attend meeting  
☐ Prepare written report  
☐ Please file  
☐ Set up conference  
☐ Other *File*

Re: 88-529-X

1536 Sulphur Spring Road,  
Baltimore, Md. - 21227.  
July 1st, 1988

Mr. Robert Hanes,  
Zoning Comm. Planning & Zoning,  
401 Bosley Avenue - Court Bldg.,  
Towson, Md. - 21204.

Dear Mr. Hanes:

I would like to voice my objection to the proposed building of the American Legion Post on property adjacent to Old Sulphur Spring, Dewitt and Lister Roads.

My main concern is the traffic it will cause. The Post representative told us they average one affair each week end and they anticipate an average of two hundred (200) cars going into and out of the Post at that time.

I live at the intersection of Old Sulphur Spring Road and Benson Ave., which will be on their way out, and the traffic at that intersection is now terrible since the closing of the railroad crossing on Benson Ave.

We have on Saturday nights drunken patrons coming down Benson Ave. from a bar on Benson Avenue and that, coupled with 200 cars leaving a dance or affair at the Post, will make our street corner an accident waiting to happen at all times.

The Post does not belong in a residential neighborhood -- PLEASE HELP US.

Very truly yours,  
Alice M. Cool  
(Mrs. Alice M. Cool)

c.c. Mr. Ronald Hickernell  
Baltimore County Councilman

RECEIVED  
JUL 5 1988  
ZONING OFFICE

July 7, 1988

Dear Mr. Hanes:

Water runoff is a major concern to adjacent property owners. At the present time, there are inadequate storm drains. This problem shows up with heavy or prolonged rains at 1601 Sulphur Spring Road. Developing the property in question could add to this condition, making it worse for residents who are downstream of the property.

Water runoff could also create problems on the north side of the property and along Welk Avenue since this area is part of the county's flood plain and is downhill from the property.

This could create another problem which is the home on Welk Avenue has a well. The well could be contaminated with excessive water runoff.

Since the property is naturally soggy on the north side, water runoff could be adversely effected by such a project as the building of a post home and a large parking area.

July 8, 1988, 10:30 A.M. Special Exception against Dewey Lowman to build.

Should a fire or other unpredictable accident occur, evacuation would be impossible with present circumstances, namely:  
1 - blind view at Sulphur Spring Road with oncoming traffic from Benson Avenue, unless Police or other emergency personnel were present directing traffic;

2 - at present there are 55 homes which all exit at Sulphur Spring Road at Benson Avenue. It is a one way in and one way out situation.  
3 - additionally, should Dewey Lowman be granted the Special Exception with present plans being acceptable (with facility and parking lot of 250 cars) the cars would be emptying the same way as residents. This would create kaos with Legion members panicking to get out and would never allow children or elderly ill and handicapped residents to escape without harm.

This may also cause problems with emergency vehicles entering area or neighborhood safely with vehicles and people trying to escape the danger zone.

Please consider the fact that Sulphur Spring Road is only 1800 feet long and consider the fact that all patrons or even half of the members leave at one time, they would be backed up from the entrance of their drive to Benson Avenue.

What kind of emergency plans does Dewey Lowman plan to implement should there be an emergency.

Respectfully submitted  
by Community Members of  
Sulphur Spring Heights

July 8, 1988 10:30 A.M. Special Exception against Dewey Loman to build Post.

As residents of this community, we are opposed to the building of the Post due to the fact that the proposed use of the property is in fact totally inconsistent with the present zoning DR 5.5. The neighborhood is strictly residential and should remain that way and developed only for residential. Residents purchased homes in the neighborhood for residential use and not to have their lives disrupted by outsiders ruining the perfectly happy neighborhood as it now stands.

Respectfully submitted  
by Community Members of  
Sulphur Spring Heights

July 7, 1988

Mr. Robert Hanes  
Zoning Comm. Planning & Zoning  
401 Bosley Avenue  
Court Building  
Towson, Maryland 21204

Dear Mr. Hanes:

Are residents losing their neighborhoods to the betterment of the Community? Recently, Dewey Lowman Post 109 decided to move their post home to a new location. The new location being Sulphur Spring Road and Interstate 95. Yes, their move is being protested.

The community is already overburdened by development. This residential section is bordered by the Beltway (to the north), which is slated to be widened in the near future, bordered by Interstate 95 to the east, an industrial building complex (to the south) and a railroad to the west. The neighborhood has one main throughfare (Benson Ave) with Sulphur Spring Rd. dumping into it. Bearing in mind these man made borders, why shouldn't residents not want an American Legion Post in their neighborhood.

The fact is Dewey Lowman has 1500 members, operates 7 days a week with hours from 11:00 a.m. to 12:00 a.m. on weekdays and is open on weekends from 11:00 a.m. to 1:30 a.m.. True all their members may not be active, but with a new facility their business will increase just out of curiosity. Their new complex will be on a nine acre tract with a building housing a 400 seat hall and a 150 seat lounge, with 250 parking spaces and a ball field.

With the size of all this most of the 9 acres will be leveled except the 70 foot buffer between residents and their Post Home.

The Post Home would create a number of problems for residents, mainly the increased amount of traffic in an already congested area and would cause potentially dangerous situations for children and residents when drivers are under the influence of alcohol. This Post would also increase surrounding noise levels since most of their complex will cause the leveling of property. Residents on the lower end of Benson Avenue may have

November 6, 1989

The Honorable Dennis Rasmussen  
Executive Office to our area  
400 Washington Avenue  
Towson, Maryland 21204

RECEIVED  
NOV 8 1989  
ZONING OFFICE

RE: The building of a new facility by American Legion Dewey Lowman Post 109 in Arbutus at Interstates 695 and 95 and Old Sulphur Spring Road

It is time for the officials of our government to consider the homeowners and citizens of this small section of Baltimore County. We are a neighborhood of approximately 250 well-maintained homes - mostly owner inhabited. Many of us have lived here for 30 to 40 years. In that time we have seen the quality of our life deteriorate because each "generation" of our government has done something in the name of progress to our area. Interstate 695 was built on the north and east, I-95 on the east and south. The dams on Benson Avenue were filled in and the wooded areas destroyed to make room for industrial buildings. This caused flooding and we lost some of the homes in the neighborhood. This also caused a great increase in traffic on Benson Avenue which was exacerbated by the closing of the Knoch Avenue railroad crossing. Now the proposal to build the Legion in our midst!

Traffic from the Legion would travel Old Sulphur Spring Road to Benson Avenue, entering Benson at a site that has had 16 accidents in 10 months. The Legion will have a liquor license so the impairment of some drivers will almost be a certainty. At one time the Legion voted "No" to building in Elkridge because it was too far to drive. Since Elkridge is less than 5 miles from Arbutus, I can only assume the meant that it was too far to drive after drinking. If the Legion is built on the proposed site and accidents start occurring, the next step will be infringement on the homeowners and our land to make driving safe for the Legion patrons. Common sense tells us that when the trees are removed from the site and much of the area paved, we will have a drainage problem. The Legion's intent of sing a type of blacktop that will absorb water is nonsense. When blacktop gets on oil film on it from the cars there will be no absorption.

We are taxpaying citizens with pride in our homes. We have made few demands on county services - our families were small, so we haven't overpopulated the schools, police services were seldom needed and many of us clean the streets, gutters and storm drains in front of our homes.



11-2306-1A-2



#365

REVISIONS	
NO	DATE

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG, TOWSON, MD., 21204  
PHONE 823-3535

**PETITIONER'S EXHIBIT 1**

PLAT FOR  
SPECIAL EXCEPTION TO ZONING  
" PASTEUR ROAD "

ELECTION DISTRICT 13 BALTIMORE COUNTY, MD.

THE DAILY RECORD CO., BALTIMORE, MD.

This Agreement, Made this 15th day of February in the year 1988, by and between Francis Snow and Blanche S. Snow, his wife of Winter Park in the State of Florida, hereinafter called Optionors, and Dewey Lowman Post #109 of the American Legion Department of Maryland, Inc., hereinafter called Optionee.

WITNESSETH, that in consideration of the sum of Two Thousand Five Hundred----- dollars paid by said Optionee to said Optionors, the receipt of which is hereby acknowledged by said Optionors, said Optionors hereby grant unto said Optionee, its successors, assigns, heirs, and assigns, the exclusive right or privilege of purchasing the following property now held by said Optionors as owners and which is described as follows: Those lots of ground described in deeds recorded among the Land Records of Baltimore County in Liber 5387, folio 534 and Liber 3757, folio 243, consisting of 9.0 acres of land, more or less and located in Baltimore County, State of Maryland,

at and for the price of Three Hundred Thousand----- dollars, lawful money of the United States, and upon the following terms of payment: Such as may be negotiated at the end of the six (6) month option, said option to be effective March 1, 1988, or at such time as the option is exercised. The parties hereto understand and agree that the Optionee shall receive credit, at the time of settlement, for the \$2,500.00 paid hereunder and the \$2,500.00 paid under the Option Agreement, dated September 1, 1987.

Upon receipt of such notice of election by said Optionors, a period of 90 days shall be allowed the Optionee within which to ascertain the validity and marketability of the title of said Optionors, and upon the expiration of said period of time, said Optionors shall execute and deliver to said Optionee at the reasonable expense of Optionee a good and sufficient deed conveying all their right, title and interest in and to said property, containing the covenants of general warranty.

free and clear of all defects of title, liens, encumbrances, taxes or assessments of any kind due and at that time said Optionee shall pay and perform as above provided, but if said title shall be otherwise than as above stated, then this option shall be at an end and all monies or other consideration theretofore paid by said Optionee on account of this agreement shall be refunded on demand, provided, however, that if the Optionors shall so elect, they shall have 60 days from and after notice to him, in writing, by the Optionee at the aforesaid place of any legal ground for rejecting said title within which to cure such defect or to remove the ground for objection.

AND PROVIDED FURTHER, that if said Optionee shall fail to elect to purchase said property at the time and in the manner above provided, it shall be deemed to have forfeited its right so to do, and all consideration that shall have passed hereunder shall be forfeited unto the Optionors.

Possession of said property shall be delivered to the Optionee, and he shall be entitled to same coincident with the delivery of the deed and in all respects time shall be of the essence of this agreement.

AS WITNESS the hands and seals of the parties hereto.

Test:—

Dewey Lowman Post #109 of the American Legion Department of Maryland, Inc.

BY: [Signature] (SEAL)

Francis Snow (SEAL)

Blanche S. Snow (SEAL)

**PETITIONER'S EXHIBIT 2**

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

April 26, 1988

Spellman, Larson and Associates Incorporated  
Suite 107  
Jefferson Building  
Towson, Maryland 21204  
Attn: Mike Barranger

Re: Baltimore County  
Pasteur Road  
Interstate 695  
Baltimore Beltway  
at Sulphur Spring Road

Dear Mr. Barranger:

After a review of this plan by our Project Development Section, concerning our future Beltway Improvements, we offer the following comment.

Based on our current studies and alignment, there appears to be no impact to the development. Construction slopes should stay within the existing State Highway Administration's right-of-way.

If you have any questions, please contact Larry Brocato at this office, (333-1350).

Very truly yours,  
[Signature]  
Gregory J. Mills, Jr.  
Chief-Bureau of Engineering  
Access Permits

LB/cu

**PETITIONER'S EXHIBIT 3**

My telephone number is (301) 333-1350.

133-7155 Baltimore News Telephone for impaired hearing 1-800-333-2222 Statewide Toll Free

Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3211

P. David Fields  
Director

March 30, 1988

Building Committee, Chairman  
Dewey Lowman Post #109  
4313 Leeds Avenue  
Baltimore, Maryland E 229

Re: American Legion  
W-88-108

Dear Sir:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRB and CRB (meeting/process) would not be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore denied. Because of the nature of the proposed development, this office is of the opinion that a CRB meeting should be held so that all local government concerns may be adequately addressed. Should you have any questions, please contact Gary Kerns, Chief of Current Planning and Development at 494-3335.

Sincerely yours,  
[Signature]  
P. David Fields  
Director of Planning and Zoning

PDF:rh

cc: James A. Markle  
Robert Bowling  
File

**PETITIONER'S EXHIBIT 4**

ROAD

EX. CURB

#15-2

**PETITIONER'S EXHIBIT 5**

PLAT SHOWING  
EXISTING CONDITIONS

SPELLMAN, LARSON & ASSOCIATES, INC.



TO WHOM IT MAY CONCERN:

88-577-X  
Re: Dewey Lowman Post #109  
American Legion

I/WE Mr. and Mrs. McElroy, residing at 5205  
Larlin Road, herewith state that I/We have no objection  
to the above captioned, DEWEY LOWMAN POST #109 AMERICAN LEGION, putting up a building  
and parking lot in the Dewitt Road/Pasteur Road area.

DATED: 7/7/88

Janetta McElroy  
Robert McElroy, Sr.

**PETITIONER'S  
EXHIBIT 64**

TO WHOM IT MAY CONCERN:

88-577-X  
Re: Dewey Lowman Post #109  
American Legion

I/WE Robert & Gloria Schmelyun, residing at 1564  
Sulphur Spring Rd, herewith state that I/We have no objection  
to the above captioned, DEWEY LOWMAN POST #109 AMERICAN LEGION, putting up a building  
and parking lot in the Dewitt Road/Pasteur Road area.

DATED: 6/31/88

Robert Schmelyun  
Gloria Schmelyun

**PETITIONER'S  
EXHIBIT 63**

TO WHOM IT MAY CONCERN:

88-577-X  
Re: Dewey Lowman Post #109  
American Legion

I/WE George BENTON, residing at 1556  
Sulphur Spring Rd, herewith state that I/We have no objection  
to the above captioned, DEWEY LOWMAN POST #109 AMERICAN LEGION, putting up a building  
and parking lot in the Dewitt Road/Pasteur Road area.

DATED: 6-21-88

George Benton

**PETITIONER'S  
EXHIBIT 6C**

TO WHOM IT MAY CONCERN:

88-577-X  
Re: Dewey Lowman Post #109  
American Legion

I/WE Margaret & Ernest Berger, residing at 1562  
Lester Rd, herewith state that I/We have no objection  
to the above captioned, DEWEY LOWMAN POST #109 AMERICAN LEGION, putting up a building  
and parking lot in the Dewitt Road/Pasteur Road area.

DATED: 6/31/88

Margaret Berger  
1562 Lester Rd

**PETITIONER'S  
EXHIBIT 6D**

TO WHOM IT MAY CONCERN:

88-577-X  
Re: Dewey Lowman Post #109  
American Legion

I/WE Debby Martin, residing at 1565  
Lester Road, herewith state that I/We have no objection  
to the above captioned, DEWEY LOWMAN POST #109 AMERICAN LEGION, putting up a building  
and parking lot in the Dewitt Road/Pasteur Road area.

DATED: 6-21-88

**PETITIONER'S  
EXHIBIT 6E**

We, the undersigned, oppose any change of use on the property  
owned by Mr. Snow. Currently, it is zoned DR5.5. Special  
exception by means of a hearing on July 8, 1988 at 10:30 a.m.,  
Rm. 106, 111 W. Chesapeake Avenue, Towson, Maryland granting  
the American Legion (Dewey Lowman Post) variances is not  
in the best interest of the residents. We believe it will  
create additional problems with excessive noise pollution,  
traffic congestion and public safety to all of us. Currently,  
the Beltway and I-95 Interchange is under study to be widen.  
This will impact the property plans of the American Legion  
causing more residential problems. We request that the  
hearing board deny the special exception used by the American  
Legion Post and retain the DR5.5 zoning so that the property  
can remain residential.

**PROTESTANT'S  
EXHIBIT 1**

To be filed in by Clerk,  
Court of Special Appeals

**COURT OF SPECIAL APPEALS  
OF MARYLAND**

NOTICE  
Pursuant to Md. Rule  
8-205 this form must be  
completed and sent to  
Clerk, Court of Special  
Appeals, Courts of Ap-  
peal Bldg., Annapolis,  
Md. 21401

PHC NO.            **CIVIL APPEAL PREHEARING INFORMATION REPORT**

1. Title of case: **IN THE MATTER OF THE APPLICATION OF BLANCHE S. SNOW, et ux.**

Which party is Appellant in Court of Special Appeals: Appellants/Protestants below

2. Names, addresses, and telephone numbers of counsel: Robert B. Greenwalt

For Appellant: Robert B. Greenwalt  
Ste. 105, 4600 Wilkens Ave.  
Baltimore, MD 21229  
536-4370

For Appellee: Charles E. Kounts, Esq.  
2201 Hammonds Ferry Rd.  
Baltimore, MD 21227

3. Trial court:  
a. ☒ Court for Baltimore County c. Docket No.: 90-CG-451  
(Circuit)

b. Jury/Non-jury/Motion hearing d. Trial Judge: Alfred L. Brennan

4. Type of case (e.g., automobile negligence, breach of contract, domestic, product liability, property dispute, tax, UCC, zoning, etc.)  
Zoning: Appeal from decision by administrative agency granting special exception for applicant

5. Trial  
a. Duration of trial: 30 min.  
b. Number of exhibits in evidence: 1

6. Judgment  
a. Date of judgment being appealed: (If date is other than that shown on docket, please explain.)  
July 30, 1990  
b. Describe judgment: (Attach copy of any written opinion by the trial court.)  
Judgment affirmed decision of Board of Appeals  
c. Did judgment finally dispose of all claims by and against all parties? If not, please explain why judgment is appealable. (See Md. Rule 2-602; Courts Art., §§12-301, 12-303.)  
Yes

d. Was post-judgment motion under Md. Rule 2-532, 2-533 or 2-534 filed? If so, date of disposition:  
No

7. Date appeal noted: August 28, 1990  
ATTACH COPY OF NOTICE OF APPEAL TO THIS FORM.

8. Issues presented in trial court: (Give brief description of claims, defenses, and issues litigated.)

Whether grant of special exception was arbitrary and capricious  
Whether special exception could be granted as a community building  
under the circumstances of this case.

9. Issues proposed to be raised on appeal:

Whether a private, member only, liquor serving facility can  
qualify as a community building in an area zoned residential.

10. Settlement discussions:

a. Was settlement discussed before trial or hearing which resulted in judgment?  
No  
b. Has settlement been discussed since judgment?  
No

**NOTICE**

A prehearing conference is designed to encourage the parties to reach a voluntary settlement before incurring the expense of securing a transcript and preparing and printing briefs, or, if that is not possible, to limit the issues and to consider the option of an expedited appeal pursuant to Md. Rule 8-207. Please set forth succinctly any additional information which will assist the Court and the parties in reaching an agreement to accomplish these ends. Information concerning settlement negotiations will be kept strictly confidential.

**CERTIFICATION**

11. I/We hereby certify that a copy of the foregoing statement was mailed to:  
The County Board of Appeals, Rm. 315 County Ofc. Bldg., 111 W.  
Chesapeake Ave., Towson, MD 21204; Charles E. Kounts, Esq.,  
2201 Hammonds Ferry Rd., Baltimore, MD 21227

Alfred L. Brennan 7/31/90  
Signed Date

TO BE EXECUTED BY THE ATTORNEY FOR APPELLANT OR APPELLEE WHO IS HANDLING THE APPEAL



July 7, 1988

Mr. Robert Hanes  
Zoning Commissioner  
Zoning Comm. Planning and Zoning  
401 Bosley Avenue  
Court Building  
Towson, Maryland 21204

## PROTESTANT'S EXHIBIT 2

Dear Mr. Hanes:

As the property owners of 1613 Sulphur Spring Road we do not feel it would be in the best interest of the neighborhood to grant a Special Exception to the American Legion.

We are a small peaceful dead end street neighborhood. There is one way in and out of our street. The amount of traffic generated by an organization that has its own affairs plus rentals would not be in our best interest. We are greatly concerned about drivers who are impaired leaving the lounge or an affair and causing property damage. We do not feel we should have to lay awake at night listening to traffic leave and wonder if they are going to hit our parked cars or end up on our property. A liquor establishment does not belong in a solid residential neighborhood.

As parents and grandparents we are naturally worried about the children in the neighborhood. There are only sidewalks going so far up the street and the elementary school children must walk in the street to get to and from their bus stop.

Many people in Arbutus and Halethorpe use the public library. The only entrance and exit merges in with the intersection of "Old" Sulphur Spring Road and Benson Avenue. On days when the library is open and there would be an affair at the Legion all of the traffic would be a disaster. The intersection of "Old" Sulphur Spring Road and Benson Avenue is a blind corner to anyone making a left turn. Add to this a library and a stoplight at "New" Sulphur Spring Road, Benson Avenue and the industrial center and I am sure you can see a potential for great traffic congestion.

Having just purchased our home within the last 2 years we are concerned about a decrease in our property value. Having a lounge in a residential neighborhood is going to greatly affect our area.

As of now the wooded area that the Legion proposes to use is our main buffer against the noise of Interstate 95. If the area would be developed we would be surrounded by noise from 695 and also Interstate 95.

July 8, 1988

TO: Mr. Robert Hanes  
Zoning Commissioner  
Court Building  
401 Bosley Ave  
Towson, Maryland 21204

FROM: Mr. & Mrs. John W. Lawson  
1615 Sulphur Spring Rd.  
Baltimore, Maryland 21204

## PROTESTANT'S EXHIBIT 3

Dear Mr. Hanes:

As residents of Sulphur Spring Road we are very much opposed to the granting of a Special Exception to the American Legion.

The traffic it would create would be disastrous. When a rental affair or one of the Legion's own affairs starts or ends the neighborhood would have to come to a standstill until their traffic clears. The corner of "Old" Sulphur Spring Rd. and Benson Ave is extremely dangerous. Trying to make a left turn onto Benson Ave. is very hard and very dangerous because of the trees and hillsides along the homes on Benson Ave. We feel there would be a traffic congestion problem because of so many intersections coming together in a close area. e.i. "Old Sulphur Spring Rd., Benson Ave. and the Public Library Parking Lot entrance & exit; "New" Sulphur Spring Rd., Benson Ave. and the Arbutus Business Center.

We are concerned with the safety of the children that play in our area. When there are so many strangers coming into an unfamiliar area they do not realize what a neighborhood is like. We as a neighborhood watch for children riding bikes, running out into the street and going and coming from school buses. At the end of Sulphur Spring Road from 1559 to 1619 and from 1560 to 1600 there are no sidewalks, so anyone walking must walk in the street. Whenever there is a bar/lounge in an area there are always a few who will leave the establishment impaired, these people will be an extreme hazard to anyone walking or driving on our street.

There is also a concern of the noise and litter that would be generated. The noise from ballgames will be heard throughout our neighborhood. There would also be noise generated late at night from people who are going to their cars leaving the hall or bar/lounge. If they have entirely sold out for a dance

## HALETHORPE IMPROVEMENT ASSOCIATION, INC.

P.O. Box 7306  
HALETHORPE 27, MARYLAND 21227

June 28, 1988

Mr. Robert Hanes, Zoning Commissioner  
Towson, Maryland 21204 re: Special Exception-  
Dewey Lowman Post

Dear Mr. Hanes:

The Halethorpe Improvement Association opposes the granting of the special exception for the following reasons:

1. The term "Community House" implies a building that is open to the residents of the community. This will not be the case since membership is required. Further, the term "Community House" is loosely used since a bar and banquet facility will be offered.
2. The consumption and sale of liquor on the premises is not in the best interest of the community.
3. The use of the hall facilities, especially during late evening hours is not in the best interest of the community.
4. Ingress and egress to the proposed "Community House" should be on a major road and there are no major arteries leading to this property.
5. The proposed use of the property is inconsistent with the present DR 5.5 zoning. This area is strictly residential and the present zoning implies that the property be developed into a single family, detached, or townhouse (possible).

## PROTESTANT'S EXHIBIT 4

July 7, 1988

Mr. Robert Hanes  
Zoning Comm. Planning & Zoning  
401 Bosley Avenue  
Court Building  
Towson, Maryland 21204

Dear Mr. Hanes:

Are residents losing their neighborhoods to the betterment of the Community? Recently, Dewey Lowman Post 109 decided to move their post home to a new location. The new location being Sulphur Spring Road and Interstate 95. Yes, their move is being protested.

The community is already overburdened by development. This residential section is bordered by the Beltway (to the north), which is slated to be widened in the near future, bordered by Interstate 95 to the east, an industrial building complex (to the south) and a railroad to the west. The neighborhood has one main throughfare (Benson Ave) with Sulphur Spring Rd. dumping into it. Bearing in mind these man made borders, why shouldn't residents not want an American Legion Post in their neighborhood.

The fact is Dewey Lowman has 1500 members, operates 7 days a week with hours from 11:00 a.m. to 12:00 a.m. on weekdays and is open on weekends from 11:00 a.m. to 1:30 a.m.. True all their members may not be active, but with a new facility their business will increase just out of curiosity. Their new complex will be on a nine acre tract with a building housing a 400 seat hall and a 150 seat lounge, with 250 parking spaces and a ball field.

With the size of all this most of the 9 acres will be leveled except the 70 foot buffer between residents and their Post Home.

The Post Home would create a number of problems for residents, mainly the increased amount of traffic in an already congested area and would create potentially dangerous situations for children and residents when drivers are under the influence of alcohol. This Post would also increase surrounding noise levels since most of their complex will cause the leveling of property. Residents on the lower end of Benson Avenue may have

## PROTESTANT'S EXHIBIT 5

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
SUITE 303 INVESTMENT BUILDING  
TOWSON, MARYLAND 21204  
828-3959

RESUME OF QUALIFICATIONS AND EXPERIENCE FOR LAND SURVEYING

**ROBERT E. SPELLMAN**

Graduate of Baltimore Polytechnic Institute, "E" Course	1943
Successful completion of accredited Land Surveying course, Johns Hopkins University Night School	1943-1944
Bureau of Water Supply, Baltimore City	1943-1951
Survey Party work, property outline work, construction stakeout, water tunnel work, inspections	
Albert E. Palmer and David W. Palmer	1951-1966
Residential and commercial development, computations, title work, site and grading plans, roads and utilities, coordination of subdivisions with City and County Bureaus	
Joseph D. Thompson, Inc.	1966-1973
Same as above including supervision	
Spellman, Larson & Associates, Inc.	1973--
Registered Professional Land Surveyor #1503	1964
Member, Maryland Society of Surveyors	
Member, American Congress On Surveying and Mapping	
Recognized expert, Baltimore County Zoning Department and Baltimore County Board of Appeals and Baltimore County Circuit Court	

Residential & Commercial Development Design & Land Surveying  
Land Planning, Subdivisions Layout, Preliminary Plans, Surveying  
Relocation Studies, Easement Surveys, Technical Consultation

My telephone number is (301) 333-1350 (Fax: 633-1041)  
Teletypewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 845-0451 D.C. Metro - 1-800-452-5088 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**Maryland Department of Transportation  
State Highway Administration**

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

August 16, 1988

Mr. Robert Covahey, Chief  
Bureau of Public Services  
County Office Building  
Towson, Maryland 21204

Re: Baltimore County  
Dewey Lowman Post #109  
CRG Meeting of 8-24-88  
Baltimore Beltway  
(I-695) at Ramp onto  
Southbound I-95

Dear Mr. Covahey:

This plan has been reviewed by our Planning Department and there will be no future right of way requirements from this property for our proposed Beltway improvements.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,  
Creston J. Mills, Jr., Chief  
Engineering Access Permits  
Division

LB:maw  
cc: Spellman, Larson & Assoc., Inc.  
Mr. Joe Maranto  
Mr. J. Ogle

My telephone number is (301) 333-1350 (Fax: 633-1041)  
Teletypewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 845-0451 D.C. Metro - 1-800-452-5088 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**Maryland Department of Transportation  
State Highway Administration**

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

April 26, 1988

Spellman, Larson and Associates Incorporated  
Suite 107  
Jefferson Building  
Towson, Maryland 21204  
Att: Mike Barranger

Re: Baltimore County  
Pasteur Road  
Interstate 695  
Baltimore Beltway  
at Sulphur Spring Road

Dear Mr. Barranger:

After a review of this plan by our Project Development Section, concerning our future Beltway Improvements, we offer the following comment.

Based on our current studies and alignment, there appears to be no impact to the development. Construction slopes should stay within the existing State Highway Administration's right-of-way.

If you have any questions, please contact Larry Brocato at this office, (333-1350).

Very truly yours,  
Creston J. Mills, Jr.  
Chief-Bureau of Engineering  
Access Permits

LB/cu

My telephone number is (301) 333-1350  
Teletypewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 845-0451 D.C. Metro - 1-800-452-5088 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**Baltimore County  
Fire Department**  
Towson, Maryland 21204-2536  
494-4500

Paul H. Reincke  
Chief

April 20, 1988

J. Robert Hanes  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Blanche S. Snow, et ux

Location: NE/S Dewitt Rd., 251' N of NS of Lister Road

Item No.: 365 Zoning Agenda: Meeting of 4/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional hydrant required at entrance on Dewitt Road.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

7/1







TOWNHALL—1349 STEVENS AVENUE  
BALTIMORE, MARYLAND 21227  
FOUNDED 1928

June 10, 1989

Subject: NE Dewitt Road 251'N of Leiter Road (pasteur Road)  
Special Exception Community Building (Dewey Lowman Post  
#109 of the American Legion Dept. of Maryland (Inc.)  
case No. 88-529-x

Dear Sir:

The Arbutus Community Association approves the zoning change requested by Dewey Leaman Post #109 American Legion. The post home was originally located in Halethorpe, Md, in the early 1930's and moved to arbutus for more space and parking later on. The present location in Arbutus is in a residential neighborhood and to our knowledge there are no zoning problems. They now need a new post lodge to accommodate their growing membership with space to meet and parking facilities for their members. The commander and his staff met with us and showed their plans and we agreed to support their request. They are doing everything possible to accommodate their neighbors that live in the area. They are looking forward to meeting with them and trying to work out a plan to satisfy them.

The American Legion is a very charitable organization. State-wide they give to a lot of worth causes. They are forever visiting veterans that are hospitalized in V.A Hospitals and taking care of their needs. Post #109 members are made up with some men who have been awarded Purple Hearts, men who have been prisoners of war camps. not to mention numerous other medals and awards.

We of the Arbutus Community Association wish you would take these things into consideration when you make up your mind on the zoning request by Dewey Lowman Post #109 of the American Legion.

Thank you

Ray Parks  
Zoning Chairman

**TOWNHALL—1349 STEVENS AVENUE  
BALTIMORE, MARYLAND 21227  
FOUNDED 1928**

To Whom IT MAY CONCERN

This is to authorize Mr. James  
Forswell to act as a representative of  
the Arthur Community Association Inc.  
and to testify as to the Association  
position in the case of Leroy Lowman  
Post #109 American Legion before the  
body.

C. Raymond Champion Jr.  
President

Witness By  
Charles H. Yeakel  
Sec.

We, as residents of the Sulphur Spring Heights community, and being of legal voting age, are hereby opposed to a "Special Zoning Exception" for Dewey Loman American Legion Post 109. This large facility composed of a lounge and rental halls would bring alcohol, traffic, trash, congestion and noise to our RESIDENTIAL neighborhood.

	NAME	ADDRESS
1.	Kathleen Baguel	5673 Sulphur Spg Rd
2.	Rahul Baguel	1562 S. Highway 10 Rd
3.	Jean Baguel	5822 Sulphur Spg Rd
4.	Don M. Ametler	1545 Atlantic Road
5.	Don Thompson	1617 Sulphur Spring Rd
6.	Therese Thompson	1617 Sulphur Spring Rd
7.	Wanda H. Craig	5232 Del West Road
8.	James G. Beckel	1582 Sulphur Spring Rd
9.	Julia Brown	1582 Sulphur Spring Rd
10.	T. Brown	1582 Sulphur Spring Rd
11.	Scott Brown	1582 Sulphur Spring Rd
12.	Wanda Brown	1600 Sulphur Spring Rd
13.	Wanda Brown	1600 Sulphur Spring Rd
14.	Wanda Brown	1613 Sulphur Spring Rd
15.	Wanda Brown	1615 Sulphur Spring Rd
16.	Wanda Brown	1615 Sulphur Spring Rd
17.	Wanda Brown	1615 Sulphur Spring Rd
18.	Wanda Brown	1615 Sulphur Spring Rd
19.	Wanda Brown	1615 Sulphur Spring Rd
20.	Wanda Brown	1615 Sulphur Spring Rd
21.	Wanda Brown	1615 Sulphur Spring Rd
22.	Wanda Brown	1615 Sulphur Spring Rd
23.	Wanda Brown	1615 Sulphur Spring Rd
24.	Wanda Brown	1615 Sulphur Spring Rd
25.	Wanda Brown	1615 Sulphur Spring Rd
26.	Wanda Brown	1615 Sulphur Spring Rd
27.	Wanda Brown	1615 Sulphur Spring Rd
28.	Wanda Brown	1615 Sulphur Spring Rd
29.	Wanda Brown	1615 Sulphur Spring Rd
30.	Wanda Brown	1615 Sulphur Spring Rd

Print No 3



**Maryland Department of Transportation  
State Highway Administration**

**Richard H. Trainor**  
Secretary

**Hal Kassoff**  
Administrator

November 7, 1988

Ron and Cathy Barnett  
1619 Sulphur Spring Road  
Arbutus, Maryland 21227

Dear Mr. & Mrs. Barnett:

I am writing to report to you the results of the recent traffic noise level studies conducted in your community, adjacent to the I-695/I-95 interchange. The studies were initiated based on requests received at the June, 1938 Location/Design Public Hearing for the expansion of the Baltimore Beltway.

For a community to be considered for noise abatement under State Highway Administration Policy, all of the following criteria must be met:

- noise levels must exceed the impact threshold level of 67 decibels (dBA);
- a majority of the impacted residences must have preceded the highway;
- construction of an effective noise barrier must be feasible;
- cost must be reasonable; cost per impacted residence that is protected may not exceed \$40,000;
- seventy-five percent (75%) of the affected residents must favor the project; and
- funds must be available.

Figure I (attached) outlines the study area. The goal of the study was to determine the extent and degree of noise impact experienced in the community. Short-term noise measurements (each 10-20 minutes in duration) were taken at 14 locations, as shown on Figure II, during the hours of 9-11 a.m. A 24-hour test was conducted at site 3, the results of which are shown on Figure III.

My telephone number is (301) 321-3541

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

SEPTEMBER 1988	1,016	CARS
OCTOBER 1988	1,744	CARS
NOVEMBER 1988	1,749	CARS
DECEMBER 1988	1,794	CARS

**GRAND TOTAL                    6,302 CARS**

Part No 5

September 6, 1989

The Honorable Dennis Rasmussen  
Executive Office  
400 Washington Avenue  
Towson, Maryland 21204

RE: The building of a new facility by American Legion Dewey  
Lowman Post 109 in Arbutus at Interstates 695 and 95  
and Old Sulphur Spring Road

It is time for the officials of our government to consider the homeowners and citizens of this small section of Baltimore County. We are a neighborhood of approximately 100 homes, many of which have been built by the same family. Many of us have lived here for 30 to 40 years. In that time we have seen the growth of our area and the passing of many "generations" of our government has done something in the name of progress to cure it. Interstate 685 was built on the site of the old 685 and the homes in the area of Benson Avenue were filled in and the wooded areas destroyed. The homes were torn down and the area was left standing and we lost some of the homes in the neighborhood. This has caused a great increase in traffic on Benson Avenue and the existing road is not wide enough to handle the railroad crossing. Now the proposal to build the Legion in

Traffic from the Legion would travel Old Sulphur Spring Road to Benson Avenue, entering Benson at a site that has had 15 accidents in 10 months. The Legion will have a liquor license so the impairment of some drivers will almost be a certainty. The site is not a good one for the Legion because Elridge because it was too far to drive. Since Elridge is less than 5 miles from Arbutus, I can only assume they are not going to Elridge. It was too far to drive. The Legion is built on the proposed site and accidents start occurring, the next step will be infringement on the property of the Elridge and other patrons of the Legion patrons. Common sense tells us that when the trees are removed from the site and much of the area paved, we will have a hard time seeing the blacktop. The blacktop is a type of blacktop that will absorb water is nontoxic. When blacktop gets an oil film on it from the cars there will be

We are taxpaying citizens with pride in our homes. We have made few demands on county services - our families were small so we haven't over-populated the schools, police services were seldom needed and many of us clean the streets, gutters and storm drains in front of our homes.



This Deed, Made This 31st day of August  
 in the year one thousand nine hundred and eighty-eight by and between  
 FRANCIS SNOW and BLANCHE S. SNOW; his wife, parties  
 of the first part, and  
 DEWEY LOWMAN POST #109 OF THE AMERICAN LEGION DEPARTMENT OF MARYLAND, INC., party  
 of the second part.

WITNESSETH, That in consideration of the sum of THREE HUNDRED THOUSAND DOLLARS  
 AND NO CENTS (\$300,000.00), the receipt of which is hereby acknowledged,  
 the said parties of the first part

do grant and convey to the said party of the second part, its  
 personal representatives/successors and assigns, in fee simple, all  
 those lot s of ground situate in Baltimore County, Maryland  
 and described as follows, that is to say:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

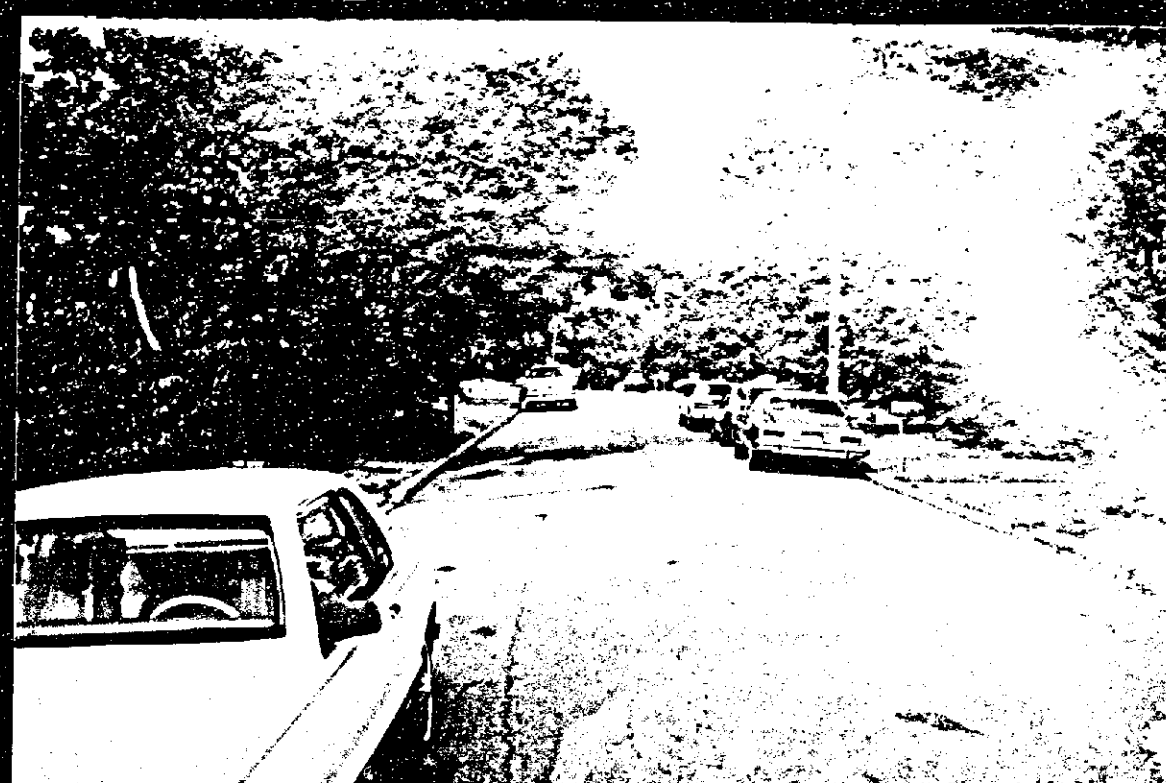
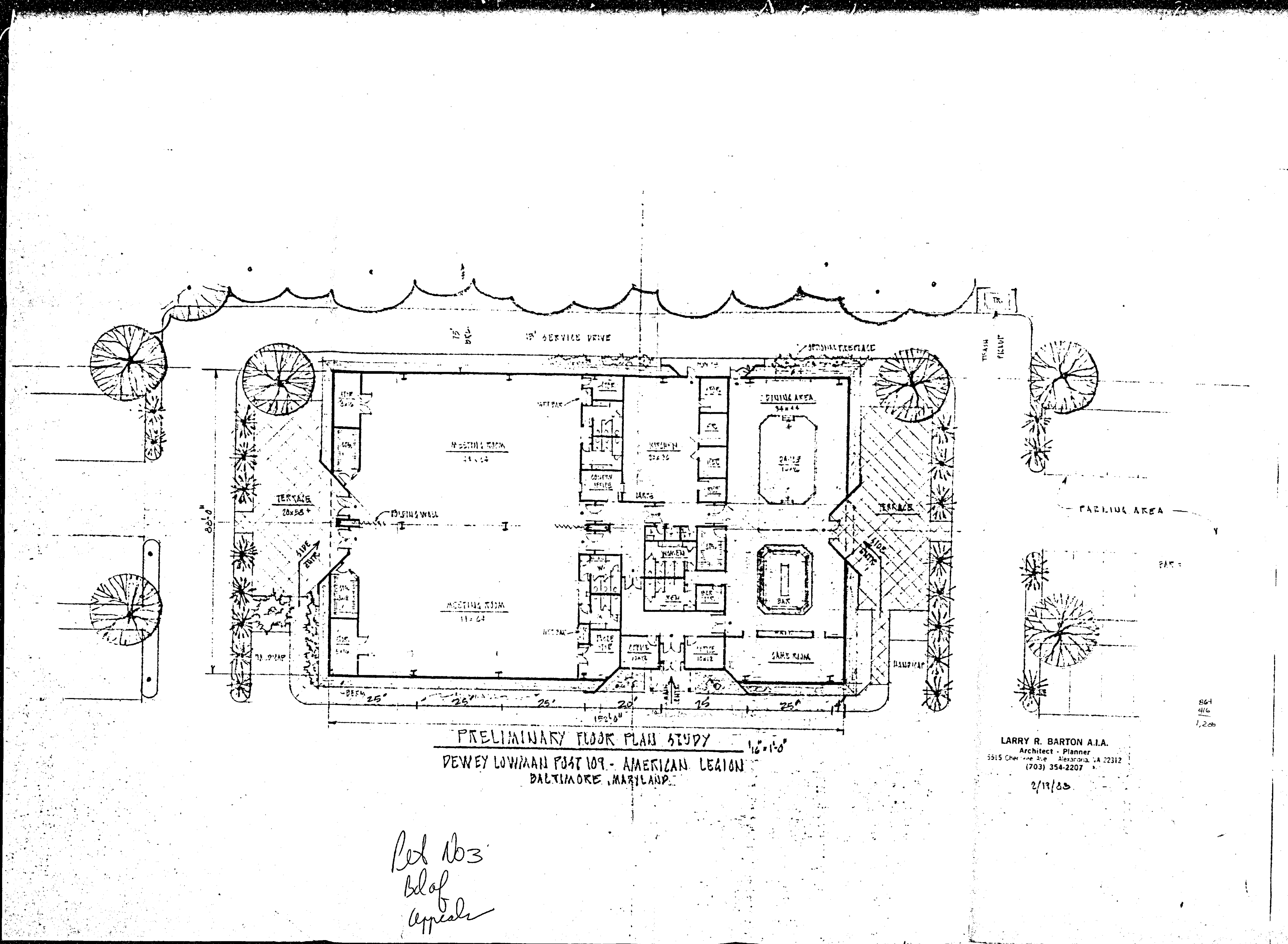
C RCF 23.00  
 C TX 1500.00  
 C DCS 1000.00  
 DEED 3023.00  
 ST CLERK 675510 0001 002 111103  
 10/22/88

RECEIVED FOR TRANSFER  
 State Department of  
 Assessments & Taxation  
 for Baltimore County  
 10/27/88

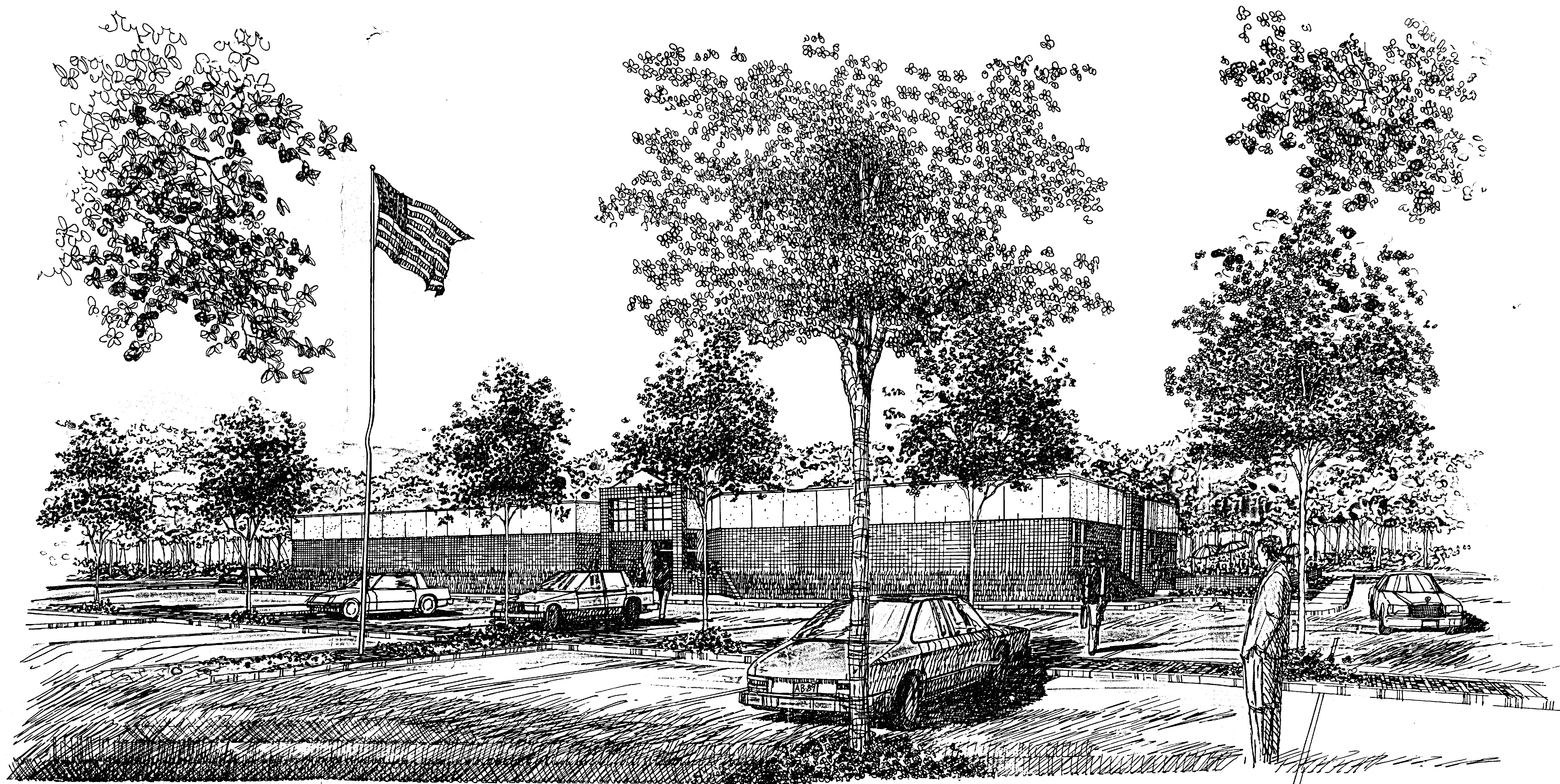
AGRICULTURAL TRANSFER TAX  
 NOT APPLICABLE  
 SIGNATURE JP DATE 2/16/88

*Ref No 8*

B 156\*\*\*\*48000013 0104



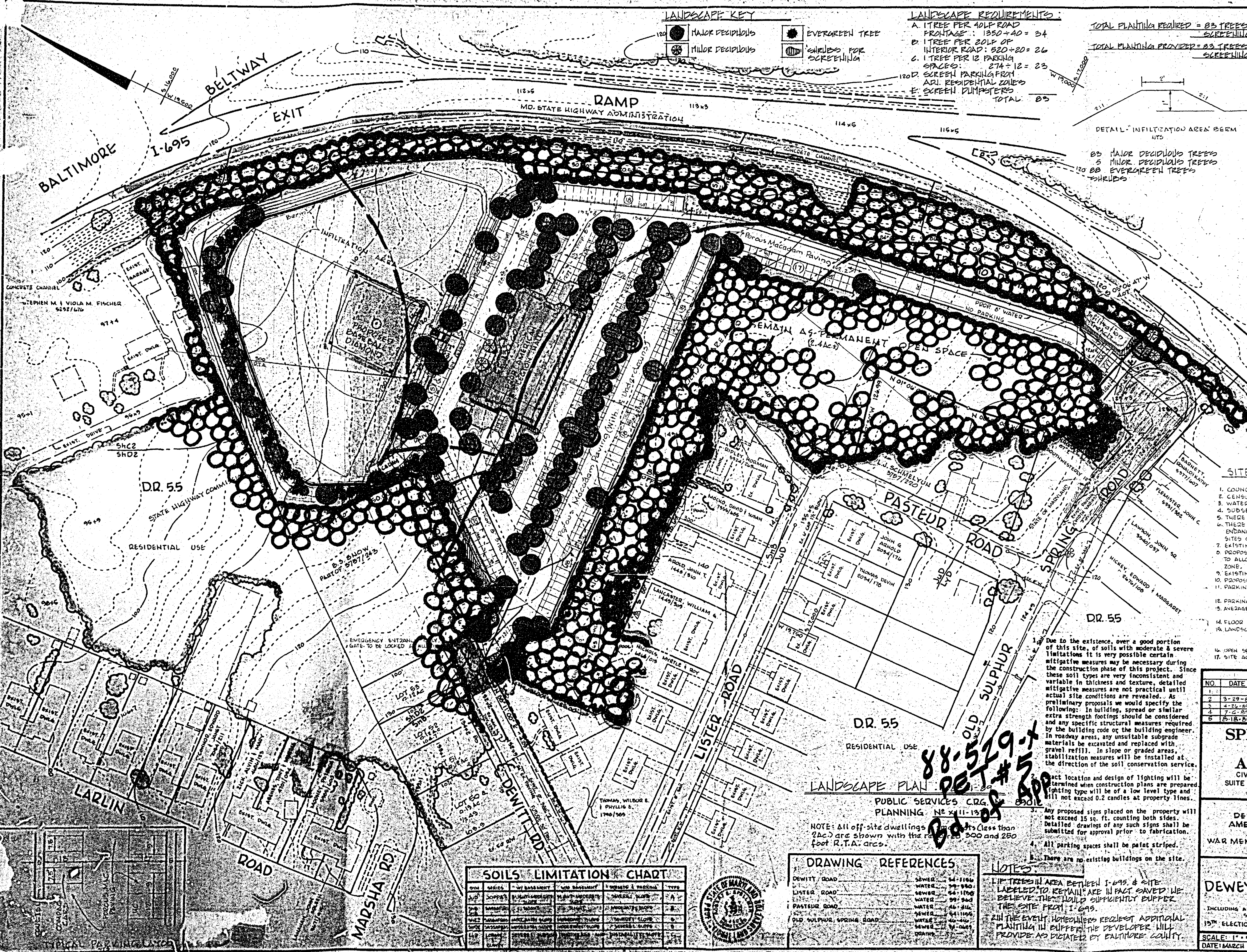




Pet No 2  
Bd of Appeals

88-529-X





LANDSCAPE KEY

- MAJOR DECIDUOUS
- MINOR DECIDUOUS
- EVERGREEN TREE
- SHRUBS FOR SCREENING

LANDSCAPE REQUIREMENTS:

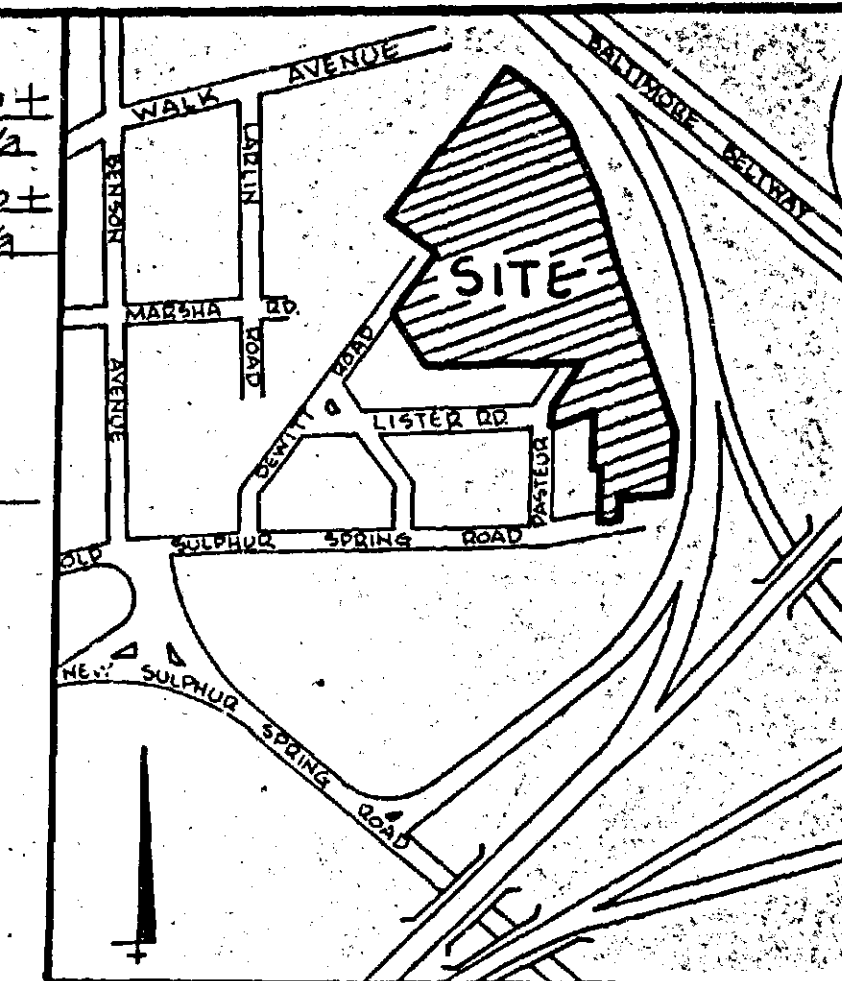
- A. 1 TREE PER 40' ROAD FRONTAGE:  $1350 \div 40 = 34$
- B. 1 TREE PER 20' OF INTERIOR ROAD:  $520 \div 20 = 26$
- C. 1 TREE PER 12 PARKING SPACES:  $274 \div 12 = 23$
- D. SCREEN PARKING FROM ADJ. RESIDENTIAL ZONES
- E. SCREEN DUMPSTERS
- TOTAL 83

TOTAL PLANTING REQUIRED = 83 TREES + SCREENING

TOTAL PLANTING PROVIDED = 83 TREES + SCREENING

DETAIL: INFILTRATION AREA BERM

- 83 MAJOR DECIDUOUS TREES
- 5 MINOR DECIDUOUS TREES
- 88 EVERGREEN TREES
- SHRUBS

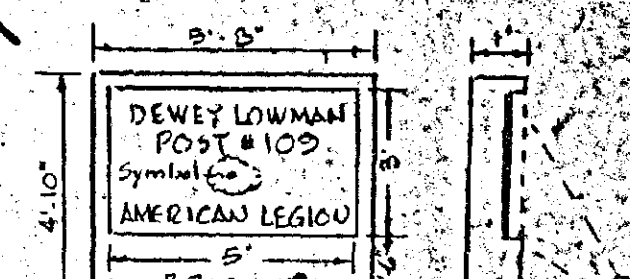


LOCATION MAP

SCALE: 1" = 500'

DEED REFERENCES  
LIBER 5387 FOLIO 534 10-00-014531  
LIBER 3757 FOLIO 243 13-19-560190  
LIBER 3757 FOLIO 254 13-19-560195

NOTE:  
2nd Parcel of 3757/234 conveys Reynolds Rd (not open) & Pasteur Rd (not open).  
2nd Parcel of 3757/243 conveys Lister Rd (not open).



SIGN DETAIL

- SITE DATA
- 1. COUNCILMANIC DISTRICT: 1
  - 2. CENSUS TRACT: 430B
  - 3. WATERSHED: 29
  - 4. SUBSEWERED: 74
  - 5. THERE ARE NO HISTORIC BUILDINGS ON THIS SITE.
  - 6. THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIAL SITES ON THIS SITE.
  - 7. EXISTING ZONING: DR. 55
  - 8. PROPOSED ZONING: DR. 55 WITH A SPECIAL EXCEPTION TO ALLOW A COMMUNITY BUILDING IN A RESIDENTIAL ZONE.
  - 9. EXISTING USE: VACANT
  - 10. PROPOSED USE: AMERICAN LEGION HALL
  - 11. PARKING REQUIRED: 20 SPACES PER 1,000 SQ. FT.
  - 12. PARKING PROPOSED: 274 SPACES (INCLUDING 10 HANDICAPPED)
  - 13. AVERAGE DAILY TRIPS: 15000
  - 14. FLOOR AREA RATIO:  $13,376 \div 394,653.6 = 0.034$
  - 15. LANDSCAPE REQUIREMENTS: (SEE LANDSCAPE PLAN)
  - 16. OPEN SPACE REQUIRED: NONE REQUIRED
  - 17. SITE ACREAGE = 9.06 AC. ±

Due to the existence, over a good portion of this site, of soils with moderate & severe limitations it is very possible certain mitigative measures may be necessary during the construction phase of this project. Since these soil types are very inconsistent and variable in thickness and texture, detailed mitigative measures are not practical until actual site conditions are revealed. As preliminary proposals we would specify the following: In building, spread or similar extra strength footings should be considered and any specific structural measures required by the building code or the building engineer. In roadway areas, any unsuitable subgrade materials be excavated and replaced with gravel fill. In slope or graded areas, stabilization measures will be installed at the direction of the soil conservation service.

LANDSCAPE PLAN

PUBLIC SERVICES C.R.G. PLANNING

NOTE: All off-site dwellings less than 200' are shown with the 100, 200 and 250 foot R.T.A. arcs.

SOILS LIMITATION CHART

SOM	SERIES	1st BASEMENT	2nd BASEMENT	3rd BASEMENT	TYPE
S1	SOPPE'S	CLAY	CLAY	CLAY	A
S2	SPRING	CLAY	CLAY	CLAY	B
S3	SPRING	CLAY	CLAY	CLAY	C
S4	SPRING	CLAY	CLAY	CLAY	D
S5	SPRING	CLAY	CLAY	CLAY	E
S6	SPRING	CLAY	CLAY	CLAY	F
S7	SPRING	CLAY	CLAY	CLAY	G
S8	SPRING	CLAY	CLAY	CLAY	H
S9	SPRING	CLAY	CLAY	CLAY	I
S10	SPRING	CLAY	CLAY	CLAY	J

DRAWING REFERENCES

DEWITT ROAD	SEWER	5
	WATER	5
LISTER ROAD	SEWER	5
	WATER	5
PASTEUR ROAD	WATER	5
	SEWER	5
OLD SULPHUR SPRING ROAD	WATER	5
	SEWER	5
	COARSE	5

NOTES

- 1. LIP TREES IN AREA BETWEEN I-695 & SITE ARE TO REMAIN. WE BELIEVE THEY WOULD SUFFICIENTLY BUFFER THE SITE FROM I-695.
- 2. IN THE EVENT HOMEOWNERS REQUEST ADDITIONAL PLANTING IN BUFFER THE DEVELOPER WILL PROVIDE AS DICTATED BY BALTIMORE COUNTY.

REVISIONS

NO	DATE	DESCRIPTION
1		REV. TOM WATSON COMMENTS
2	3-29-89	REV. JIM CROOK COMMENTS
3	4-21-89	REV. PLANNING DEPT. COMMENTS
4	7-2-89	REVISED
5	8-18-89	PRE-CR COMMENTS & Correct Property Lines

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG., TOWSON, MD. 21204  
PHONE: 823-3535

OWNER/DEVELOPER:  
DEWEY LOWMAN POST #109 OF AMERICAN LEGION DEPARTMENT OF MARYLAND, INC.  
WAR MEMORIAL BLDG., BALTIMORE, MD. 21202  
PHONE: (301) 762-0930

C.R.G. PLAN

DEWEY LOWMAN POST #109 PASTEUR ROAD

INCLUDING ALL OR PART OF LOTS 21, 22, 30, 40, 1-74-00, PLAT 1, SULPHUR SPRING HEIGHTS PLAT BOOK 15/2

15th ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1" = 50' DES. BY: JMB DATE: MARCH 14, 1989 DRN. BY: JMB SHT: 1 OF 2